SENATE JOURNAL
67TH LEGISLATURE
FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 4, 2021 — State Capitol

Senate convened at 12:00 p.m. Senator Bob Keenan, Dean of the Senate, Presiding.

Without objection, Senator Keenan appointed Carl Spencer as temporary Sergeant-at-Arms. Posting of the colors by the Honor Guard from the Army National Guard. Pledge of Allegiance to the Flag.

Invocation by Pastor Steve Bostrom from Helena.

Without objection, Senator Keenan appointed Marilyn Miller as temporary Secretary of the Senate. Secretary Miller called the roll of the newly-elected Senators:

Senate District 2 - Carl Glimm
Senate District 3 - Keith Regier
Senate District 6 - Greg Hertz
Senate District 7 - Bob Brown
Senate District 10 - Steve Fitzpatrick
Senate District 15 - Ryan Osmundson
Senate District 16 - Mike Fox
Senate District 17 - Mike Lang
Senate District 18 - Steve Hinebauch
Senate District 21 - Jason D. Small
Senate District 23 - Tom McGillvray
Senate District 25 - Jen Gross
Senate District 26 - Chris Friedel
Senate District 28 - Brad Molnar
Senate District 31 - Christopher Pope
Senate District 35 - Walt Sales
Senate District 36 - Jeff Welborn
Senate District 37 - Ryan Lynch
Senate District 38 - Edith (Edie) McClafferty
Senate District 39 - Mark Sweeney
Senate District 40 - Terry J. Gauthier
Senate District 44 - Theresa Manzella
Senate District 45 - Ellie Boldman
Senate District 46 - Shannon O'Brien
Senate District 47 - Dan Salomon
Senate District 48 - Shane Morigeau

The Board of County Commissioners of Missoula County appointed Shane Morigeau to represent Senate District 48 in accordance with 5-2-402, MCA. Notification of the appointment was made

November 17, 2020, to the Montana Secretary of State.

Sergeant-at-Arms Spencer admitted the Honorable Jim Rice, Justice of the Montana Supreme Court, into the Senate chamber. Justice Rice administered the oath of office to the newly appointed and newly elected Senators and was then escorted from the chamber by Sergeant-at-Arms Spencer.

Secretary Miller called the roll of the entire Senate. Fifty members present. Quorum present.

Senator C. Smith moved the Rules of the Senate and the Joint Rules as reflected in **SR1** and **SJ1**, printed and placed on the members' desks this day, be adopted as the temporary operating rules of the 67th Legislature. Motion carried, Senator Cohenour voted No.

Senator Keenan opened nominations for the Office of President of the Montana Senate. Senator Vance nominated Senator Mark Blasdel of Senate District 4 for the office of President of the Senate for the 67th Legislature, and moved that the election carry with it the name of Senator Jason Ellsworth of Senate District 43 for the office of President Pro Tempore.

Senator Cohenour moved the nominations be closed and that Senator Blasdel be elected President of the Senate by acclamation. Motion carried.

President Blasdel assumed the chair and addressed the Senate. President Blasdel then introduced Minority Leader Jill Cohenour and Majority Leader Cary Smith who addressed opening remarks to the Senate.

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Vance, Chair): 1/4/2021
Secretary Miller read the report from the Committee on Committees recommending the following committee appointments:

SENATE COMMITTEES~2021

AGRICULTURE, LIVESTOCK AND IRRIGATION
Tu, Th: 3 p.m., Rm 335
Lang, Mike (R) - Chair
Bogner, Kenneth (R) - Vice Chair
Webber, Susan (D) - Vice Chair
Boldman, Ellie (D)
Ellis, Janet (D)
Gillespie, Bruce (R)
Hoven, Brian (R)
O'Brien, Shannon (D)
Osmundson, Ryan (R)

Sales, Walt (R)
Salomon, Daniel (R)

Secretary: Olivia Hopkins, Rm 321, 444-4315
Staff: Jason Mohr, Rm 171D, 444-1640

BUSINESS, LABOR, AND ECONOMIC AFFAIRS
M-F: 8 a.m.; Rm 422

Fitzpatrick, Steve (R) - Chair
Vance, Gordon (R) - Vice Chair
Boland, Carlie (D) - Vice Chair
Ellsworth, Jason (R)
Fox, Mike (D)
Gauthier, Terry (R)
Gillespie, Bruce (R)
Pope, Christopher (D)
Small, Jason (R)
Smith, Cary (R)
Sweeney, Mark (D)

Secretary: Olivia Hopkins, Rm 321, 444-4315
Staff: Sonja Nowakowski & Erin Sullivan, Rm 111C, 444-3078

COMMITTEE ON COMMITTEES
On call

Vance, Gordon (R) - Chair
Howard, David (R)
McGillvray, Tom (R)
Osmundson, Ryan (R)
Regier, Keith (R)
Welborn, Jeffrey (R)

Secretary: Nadine Spencer, Rm 301A, 444-4764
Staff: Susan Byorth Fox, LSD Director, Rm 112, 444-3066

EDUCATION AND CULTURAL RESOURCES
M, W, F: 3 p.m., Rm 422

Salomon, Daniel (R) - Chair
Tempel, Russ (R) - Vice Chair
McClafferty, Edie (D) - Vice Chair
Bogner, Kenneth (R)
Hertz, Greg (R)

Manzella, Theresa (R)
O'Brien, Shannon (D)
Regier, Keith (R)
Sweeney, Mark (D)
Webber, Susan (D)

Secretary: Charlene Devine, Rm 323, 444-1619
Staff: Pad McCracken, Rm 111E, 444-3595

ENERGY AND TELECOMMUNICATIONS
Tu, Th: 3 p.m.; Rm 317

Ankney, Duane (R) - Chair
Small, Jason (R) - Vice Chair
McNally, Mary (D) - Vice Chair
Cuffe, Mike (R)
Gauthier, Terry (R)
Kary, Doug (R)
Lynch, Ryan (D)
Molnar, Brad (R)
Morigeau, Shane (D)
Pope, Christopher (D)
Regier, Keith (R)
Sweeney, Mark (D)
Tempel, Russ (R)

Secretary: Lauren de Paepe, Rm 320, 444-4618
Staff: Trevor Graff, Rm 171A, 444-4975

ETHICS
On call

Esp, John (R) - Chair
Howard, David (R) - Vice Chair
Cohenour, Jill (D) - Vice Chair
Pomnichowski, JP (D)

Staff: Todd Everts (LSD), Director of Legal Services, Rm 123, 444-4023

FINANCE & CLAIMS
M-F: 8 a.m.; Rm 317

Osmundson, Ryan (R) - Chair
Cuffe, Mike (R) - Vice Chair
Ellis, Janet (D) - Vice Chair

Ankney, Duane (R)
Bogner, Kenneth (R)
Boldman, Ellie (D)
Flowers, Pat (D)
Glimm, Carl, (R)
Howard, David (R)
Jacobson, Tom (D)
Kary, Doug (R)
Keenan, Bob (R)
Lang, Mike (R)
Lynch, Ryan (D)
McNally, Mary (D)
Morigeau, Shane (D)
Salomon, Daniel (R)
Smith, Cary (R)
Welborn, Jeffrey (R)

Secretary: Prudence Gildroy, Rm 322, 444-4816
Staff: Kris Wilkinson (LFD), Rm 114, 444-2722
Staff: Julie Johnson, Rm 122, 444-4024

FISH AND GAME
Tu, Th: 3 p.m.; Rm 422

Hinebauch, Steve (R) - Chair
Brown, Bob (R) - Vice Chair
Jacobson, Tom (D) - Vice Chair
Blasdel, Mark (R)
Cohenour, Jill (D)
Ellsworth, Jason (R)
Flowers, Pat (D)
Hertz, Greg (R)
Howard, David (R)
Keenan, Bob (R)
McClafferty, Edie (D)

Secretary: Izmerai Alvarado
Staff: Joe Kolman, Rm 171B, 444-3747

HIGHWAYS AND TRANSPORTATION
Tu, Th: 3 p.m.; Rm 405

Vance, Gordon (R) - Chair
Welborn, Jeffrey (R) - Vice Chair
Boland, Carlie (D) - Vice Chair

Bennett, Bryce (D)
Fitzpatrick, Steve (R)
Fox, Mike (D)
Friedel, Chris (R)
Glimm, Carl, (R)
Gross, Jen (D)
McGillvray, Tom (R)
Manzella, Theresa (R)
Sands, Diane (D)
Smith, Cary (R)

Secretary: Gwyn Schooler, Rm 321, 444-7363
Staff: Laura Sankey-Keip, Rm 128, 444-4410

JUDICIARY
M-F: 9 a.m.; Rm 303

Regier, Keith (R) - Chair
McGillvray, Tom (R) - Vice Chair
Sands, Diane (D) - Vice Chair
Bennett, Bryce (D)
Brown, Bob (R)
Esp, John (R)
Friedel, Chris (R)
Gross, Jen (D)
Hinebauch, Steve (R)
Manzella, Theresa (R)
Webber, Susan (D)

Secretary: Jacelyn Sterling, Rm 319, 444-4751
Staff: Julianne Burkhardt, Rm 126, 444-4025

LEGISLATIVE ADMINISTRATION
On call

Keenan, Bob (R) - Chair
Lang, Mike (R) - Vice Chair
Sands, Diane (D) - Vice Chair
Gross, Jen (D)
Smith, Cary (R)

Staff: Susan Byorth Fox, LSD Director, Rm 112, 444-3066

LOCAL GOVERNMENT
M, W, F: 3 p.m.; Rm 405

Gauthier, Terry (R) - Chair
Esp, John (R) - Vice Chair
Boldman, Ellie (D) - Vice Chair
Blasdel, Mark (R)
Boland, Carlie (D)
Ellsworth, Jason (R)
Fitzpatrick, Steve (R)
Friedel, Chris (R)
Morigeau, Shane (D)
Pope, Christopher (D)

Secretary: Izmerai Alvarado
Staff: Toni Henneman, Rm 136, 444-3593

NATURAL RESOURCES
M, W, F: 3 p.m.; Rm 303

Welborn, Jeffrey (R) - Chair
Small, Jason (R) - Vice Chair
Flowers, Pat (D) - Vice Chair
Ankney, Duane (R)
Brown, Bob (R)
Cohenour, Jill (D)
Gillespie, Bruce (R)
Hoven, Brian (R)
Jacobson, Tom (D)
Lang, Mike (R)
Lynch, Ryan (D)
Pomnichowski, JP (D)

Secretary: Lauren de Paepe, Rm 320, 444-4618
Staff: Jason Mohr, Rm 171D, 444-1640

PUBLIC HEALTH, WELFARE AND SAFETY
M, W, F: 3 p.m.; Rm 317

Howard, David (R) - Chair
Keenan, Bob (R) - Vice Chair
Gross, Jen (D) - Vice Chair
Glimm, Carl (R)
Hinebauch, Steve (R)
McGillvray, Tom (R)
McNally, Mary (D)
Molnar, Brad (R)
Sands, Diane (D)

Secretary: Gwyn Schooler, Rm 321, 444-7363
Staff: Cori Hach, Rm 129, 444-6857

RULES
On call

Smith, Cary (R) - Chair
Fitzpatrick, Steve (R) - Vice Chair
Democratic Vice Chair - TBA
Bennett, Bryce (D)
Blasdel, Mark (R)
Boldman, Ellie (D)
Brown, Bob (R)
Cohenour, Jill (D)
Ellsworth, Jason (R)
Flowers, Pat (D)
Hertz, Greg (R)
Kary, Doug (R)
Keenan, Bob (R)
McGillvray, Tom (R)
Morigeau, Shane (D)
Pomnichowski, JP (D)

Staff: Todd Everts (LSD), Director of Legal Services, Rm 123, 444-4023

STATE ADMINISTRATION
M, W, F: 3 p.m.; Rm 335

Kary, Doug (R) - Chair
Vance, Gordon (R) - Vice Chair
Bennett, Bryce (D) - Vice Chair
Cuffe, Mike (R)
Ellis, Janet (D)
Fox, Mike (D)
Osmundson, Ryan (R)
Sales, Walt (R)

Secretary: Jacelyn Sterling, Rm 319, 444-4751
Staff: Ginger Aldrich, Rm 121, 444-4464

TAXATION
M-F: 8 a.m.; Rm 405

Hoven, Brian (R) - Chair
Hertz, Greg (R) - Vice Chair

Cohenour, Jill (D) - Vice Chair
Blasdel, Mark (R)
McClafferty, Edie (D)
Molnar, Brad (R)
O'Brien, Shannon (D)
Pomnichowski, JP (D)
Tempel, Russ (R)
Sales, Walt (R)
Vance, Gordon (R)

Secretary: Charlene Devine, Rm 323, 444-1619
Staff: Jaret Coles, Rm 124, 444-4022

APPROPRIATIONS/FINANCE &
CLAIMS JOINT SUBCOMMITTEES:

EDUCATION
M-F: 8:45 a.m.; Rm 472

Salomon, Sen. Daniel (R) - Vice Chair
Bogner, Sen. Kenneth (R)
Morigeau, Sen. Shane (D)

Clerk: Jasmine Hart, Rm 468, 444-4861
Staff: Katie Guenther (LFD), Rm 132, 444-4111

GENERAL GOVERNMENT
M-F: 8 a.m.; Rm 350

Lang, Sen. Mike (R) - Vice Chair
Flowers, Sen. Pat (D)
Kary, Sen. Doug (R)

Clerk: Caitlin Cashman, Rm 468, 444-4705
Staff: Kris Wilkinson (LFD), Rm 114, 444-2722

HEALTH & HUMAN SERVICES
M-F: 8 a.m.; Rm 102

Keenan, Sen. Bob (R) - Vice Chair
Glimm, Sen. Carl (R)
McNally, Sen. Mary (D)

Clerk: Brooke Sangray, Rm 451, 444-4846
Staff: Josh Poulette (LFD), Rm 110G, 444-1542

JUDICIAL BRANCH, LAW ENFORCEMENT AND JUSTICE
M-F: 8 a.m.; Rm 317A

Howard, Sen. David (R) - Vice Chair
Lynch Sen. Ryan (D)
Osmundson, Sen. Ryan (R)

Clerk: Cristen Friede, Rm 451, 444-7353
Staff: Marci Lewandowski (LFD), Rm 110H, 444-4421

LONG-RANGE PLANNING
M-F: 8:30 a.m.; Rm 317B

Cuffe, Sen. Mike (R) - Vice Chair
Boldman, Sen. Ellie (D)
Smith, Sen. Cary (R)

Clerk: Jamie Bonilla, Rm 451, 444-4847
Staff: Cathy Duncan (LFD), Rm 117, 444-4580

NATURAL RESOURCES AND TRANSPORTATION
M - F: 8:30 a.m.; Rm 317C

Ankney, Sen. Duane (R) - Vice Chair
Ellis, Sen. Janet (D)
Jacobson, Sen. Tom (D)
Welborn, Sen. Jeffrey (R)

Clerk: Brittany Bury, Rm 468, 444-4876
Staff: Rob Miller (LFD), Rm 116, 444-1795

Senator Vance moved the adoption of the committee report. Motion carried.

LEGISLATIVE ADMINISTRATION (Keenan, Chair): 1/4/2021
Secretary Miller read the report from the Legislative Administration Committee recommending the following staff appointments:

SENATE STAFF ~ 2021

SECRETARY OF THE SENATE

Marilyn Miller	Secretary of the Senate
Debra Polhemus	Deputy Secretary of the Senate

Nadine Spencer	Deputy Secretary of the Senate
Jyl Story	Secretary to Sec. of the Senate
Tristen Belnap	Secretary to Sec. of the Senate
Shelley Vance	Secretary to the President

SERGEANT'S OFFICE

Carl Spencer	Sergeant-at-Arms
Ray Todd	Ass't Sgt at Arms - Security
Katie Spencer	Ass't Sgt at Arms - Supplies
Norm Desterre	Safety & Facilities Aide
Craig Fraley	Safety & Facilities Aide
Pat Hamilton	Safety & Facilities Aide
Jean Johnson	Page Supervisor

MAJORITY OFFICE

Abra Belke	Majority Chief of Staff
Kyle Schmauch	Majority Leadership (Communications)
John "Jack" O'Brien	Majority Leadership (Communications)
Ben Condon	Majority Leadership (Communications)

MINORITY OFFICE

Erin Loranger	Minority Leadership Aide
Tyler Campbell	Minority Leadership Aide
Shibu Arens	Minority Leadership Aide
George Wolcott	Minority Leadership Aide

ROSTRUM

Benjamin Turcea	Amendments Coordinator
Kyle Maynard	Bills Distributor
Lynn Staley	Bills Coordinator
Kathy Baird	Bills Clerk
Ian Fleming	Voting Clerk
Karen Berger	Journal Clerk
Rick Berger	Status Input Technician
Brent Webber	Reading Clerk

SCANNING/DOCUMENTS

Susie Hamilton	Documents Specialist

WORD PROCESSING

Shirley Herrin	Word Processing Supervisor

COMMITTEE SECRETARIES

Prudence Gildroy	Finance & Claims
Olivia Hopkins	Business & Labor/Agriculture

Jacelyn Sterling	Judiciary/State Admin
Gwyn Schooler	Public Health/Highways
Izmerai Alvarado	Local Government/Fish
Lauren de Paepe	Natural Resources/Energy
Charlene Devine	Tax/Education

SNACK BAR

Moriah Wagner	Counter
Jorrey Maynard	Counter

Senator Keenan moved the adoption of the committee report. Motion carried.

SPECIAL ORDERS OF THE DAY

Majority Leader Smith moved that the President's appointment of Marilyn Miller, as Secretary of the Senate, Carl Spencer, as Sergeant-at-Arms, and Pastor Steve Bostrom, as Senate Chaplain for the 67th Legislature, be confirmed by the Senate. Motion carried.

Majority Leader Smith moved the President appoint a select committee to notify His Excellency, the Governor, that the Senate is organized and ready for business. Motion carried. The President appointed Senator Lang, chair, and Senator Jacobson.

Majority Leader Smith moved the President appoint a select committee to notify the Chief Justice and members of the Supreme Court that the Senate is organized and ready for business. Motion carried. The President appointed Senator Hoven, chair, and Senator Bennett.

Majority Leader Smith moved the President appoint a select committee to notify the House of Representatives that the Senate is organized and ready for business and that the Senate wishes the House success in its deliberations. Motion carried. The President appointed Senator Kary, chair, and Senator Lynch.

President Blasdel instructed the select committees to retire to perform their assigned duties. Majority Leader Smith moved the Senate stand at ease, subject to the call of the Chair, to await the reports of the select committees. Motion carried.

The Senate recessed at 12:30 p.m. President Blasdel called the Senate back to order at 12:50 p.m.

MESSAGES FROM THE OTHER HOUSE

The Honorable Committee from the House of Representatives, consisting of Representatives Becky Beard and Frank Smith, was escorted into the Senate chamber by Sergeant-at-Arms Spencer. The committee reported to the Senate that the House of Representatives was organized and ready for business.

REPORTS OF SELECT COMMITTEES

The select committee appointed to notify the Governor was escorted into the Senate chamber by Sergeant-at-Arms Spencer. Committee chair Senator Lang reported that the committee had discharged its duty.

The select committee appointed to notify the Chief Justice and members of the Supreme Court was escorted into the Senate chamber by Sergeant-at-Arms Spencer. Committee chair Senator Hoven reported that the committee had discharged its duty.

The select committee appointed to notify the House of Representatives was escorted into the Senate chamber by Sergeant-at-Arms Spencer. Committee chair Senator Kary reported the committee had discharged its duty.

President Blasdel thanked committee members and discharged the three select committees.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 1, introduced by D. Kary (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 2, introduced by J. Cohenour, referred to Fish and Game.
SB 3, introduced by J. Small (by request of the State-Tribal Relations Committee), referred to Highways and Transportation.
SB 4, introduced by J. Small (by request of the State-Tribal Relations Committee), referred to Judiciary.
SB 5, introduced by R. Tempel, referred to Highways and Transportation.
SB 6, introduced by J. Cohenour (by request of the Revenue Interim Committee), referred to Taxation.
SB 7, introduced by J. Cohenour (by request of the Revenue Interim Committee), referred to Taxation.
SB 8, introduced by J. Cohenour (by request of the Department of Revenue), referred to Taxation.
SB 9, introduced by R. Tempel, referred to Highways and Transportation.
SB 10, introduced by J. Cohenour (by request of the Revenue Interim Committee), referred to Taxation.
SB 11, introduced by J. Cohenour (by request of the Revenue Interim Committee), referred to Taxation.
SB 12, introduced by J. Cohenour (by request of the Revenue Interim Committee), referred to Taxation.
SB 13, introduced by J. Cohenour (by request of the Water Policy Interim Committee), referred to Natural Resources.
SB 14, introduced by J. Ellis (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.

SB 15, introduced by J. Ellis (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 16, introduced by J. Gross (by request of the State-Tribal Relations Committee), referred to Judiciary.
SB 17, introduced by J. Gross (by request of the State-Tribal Relations Committee), referred to Judiciary.
SB 18, introduced by D. Salomon (by request of the State-Tribal Relations Committee), referred to Education and Cultural Resources.
SB 19, introduced by K. Regier (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 20, introduced by J. Cohenour (by request of the Water Policy Interim Committee), referred to Natural Resources.
SB 21, introduced by E. McClafferty (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 22, introduced by D. Salomon (by request of the Education Interim Committee), referred to Education and Cultural Resources.
SB 23, introduced by D. Salomon (by request of the Education Interim Committee), referred to Education and Cultural Resources.
SB 24, introduced by D. Salomon (by request of the Education Interim Committee), referred to Education and Cultural Resources.
SB 25, introduced by D. Salomon (by request of the Education Interim Committee), referred to Education and Cultural Resources.
SB 26, introduced by B. Gillespie (by request of the Livestock Loss Board), referred to Agriculture, Livestock and Irrigation.
SB 27, introduced by B. Gillespie (by request of the Livestock Loss Board), referred to Agriculture, Livestock and Irrigation.
SB 28, introduced by D. Salomon (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
SB 29, introduced by B. Gillespie (by request of the Water Policy Interim Committee), referred to Natural Resources.
SB 30, introduced by M. Blasdel (by request of the Revenue Interim Committee), referred to Taxation.
SB 31, introduced by M. McNally (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Judiciary.
SB 32, introduced by M. McNally (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
SB 33, introduced by M. McNally (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
SB 34, introduced by J. Cohenour (by request of the Revenue Interim Committee), referred to Taxation.
SB 35, introduced by B. Hoven (by request of the Revenue Interim Committee), referred to Taxation.
SB 36, introduced by G. Hertz (by request of the Code Commissioner), referred to State Administration.
SB 37, introduced by J. Welborn (by request of the Department of Natural Resources and

Conservation), referred to Natural Resources.
SB 38, introduced by T. Gauthier (by request of the Department of Fish, Wildlife, and Parks), referred to Highways and Transportation.
SB 39, introduced by K. Regier (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 40, introduced by J. Ellis (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
SB 41, introduced by S. Webber (by request of the Revenue Interim Committee), referred to Taxation.
SB 42, introduced by C. Boland (by request of the Education Interim Committee), referred to Education and Cultural Resources.
SB 43, introduced by D. Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
SB 44, introduced by J. Esp (by request of the Department of Environmental Quality), referred to Local Government.
SB 45, introduced by M. Blasdel (by request of the Revenue Interim Committee), referred to Taxation.
SB 46, introduced by R. Lynch (by request of the Teachers' Retirement Board), referred to State Administration.
SB 47, introduced by R. Lynch (by request of the Criminal Justice Oversight Council), referred to Judiciary.
SB 48, introduced by M. Fox (by request of the State-Tribal Relations Committee), referred to Highways and Transportation.
SB 49, introduced by M. Blasdel (by request of the Department of Justice), referred to Business, Labor, and Economic Affairs.
SB 50, introduced by D. Sands (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 52, introduced by J. Ellsworth (by request of the Economic Affairs Interim Committee), referred to Taxation.
SB 53, introduced by J. Welborn (by request of the Department of Environmental Quality), referred to Natural Resources.
SB 54, introduced by J. Ellsworth (by request of the Local Government Interim Committee), referred to Local Government.
SB 55, introduced by J. Cohenour (by request of the Water Policy Interim Committee), referred to Natural Resources.
SB 56, introduced by J. Ellsworth (by request of the Department of Labor and Industry), referred to State Administration.
SB 57, introduced by J. Pomnichowski (by request of the Legislative Council), referred to State Administration.
SB 59, introduced by M. McNally (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
SB 60, introduced by E. McClafferty (by request of the State Administration and Veterans' Affairs Interim Committee), referred to Fish and Game. **Update SB 60, 3/1/2021** A computer problem at the time this bill was introduced caused an error in the sponsor's name, the requestor's name, and the bill text. Subsequent system corrections reflect the actual sponsor as Senator P. Flowers and

the requestor as the Environmental Quality Council. There was no change in committee referral.
SB 61, introduced by P. Flowers (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
SB 62, introduced by B. Brown (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
SB 63, introduced by D. Ankney (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
SB 64, introduced by D. Sands (by request of the Transportation Interim Committee), referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 1, introduced by C. Smith (by request of the Joint Rules Committee), referred to Rules.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 1, introduced by C. Smith (by request of the Senate Rules Standing Committee), referred to Rules.

The following Senate bills were introduced and read first time:

SB 51, introduced by J. Ellsworth (by request of the Economic Affairs Interim Committee).
SB 58, introduced by M. Cuffe (by request of the Livestock Loss Board).

SPECIAL ORDERS OF THE DAY

Majority Leader Smith introduced the new Republican senators: Bob Brown, Chris Friedel, Carl Glimm, Greg Hertz, Theresa Manzella, Tom McGillvray, Brad Molnar, and Walt Sales. Each senator addressed the Senate.

Minority Leader Cohenour introduced the new Democrat senators: Ellie Boldman, Mike Fox, Ryan Lynch, Shane Morigeau, Shannon O'Brien, Christopher Pope, and Mark Sweeney. Each senator addressed the Senate.

ANNOUNCEMENTS

Senator Cohenour arose on a point of order. Senators participating remotely were unable to voice their opinions on adoption of temporary operating rules.

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, January 5, 2021. Motion carried.

Senate adjourned at 1:17 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 5, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

SPECIAL ORDERS OF THE DAY

Introduction of Staff
Marilyn Miller, Secretary of the Senate, introduced Senate staff members for the 2021 legislative session.

President Blasdel spoke to Senate members about Carolyn Renaud, legislative staff member, who died shortly before the beginning of the current session.

Introduction of Pages
Senator Kary introduced the Pages for the week:

Hannah Osmundson from Buffalo, MT, sponsored by Senator Osmundson
Ryan Yeske from Rimini, MT, sponsored by Senator Gauthier

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 65, introduced by S. Fitzpatrick, M. Noland, referred to Business, Labor, and Economic Affairs.
SB 66, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 67, introduced by S. Fitzpatrick, referred to Judiciary.
SB 68, introduced by S. Fitzpatrick, referred to Judiciary.
SB 69, introduced by S. Fitzpatrick, referred to Judiciary.
SB 70, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 71, introduced by K. Regier, referred to Judiciary.
SB 72, introduced by K. Regier, referred to Education and Cultural Resources.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 2, introduced by J. Ellsworth, D. Bedey, referred to Education and Cultural Resources.

The following Senate bills, previously introduced, were referred to committees:

SB 51, introduced by J. Ellsworth (by request of the Economic Affairs Interim Committee), referred to Taxation.
SB 58, introduced by M. Cuffe (by request of the Livestock Loss Board), referred to Agriculture, Livestock and Irrigation.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, January 6, 2021. Motion carried.

Senate adjourned at 1:13 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 6, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/6/2021

Correctly printed: **SB 65**, **SB 66**, **SB 67**, **SB 68**, **SB 69**, **SB 70**, **SB 71**, **SB 72**, **SR 2**.

Senator Lang introduced Jack Racicot to the Senate. Mr. Racicot, a previous Senate employee recovering from an accident during the 2019 session, addressed the Senate.

MESSAGES FROM THE GOVERNOR

January 5, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Capitol Station
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate my cabinet appointments for confirmation:

- Department of Environmental Quality, Director, **Mr. Christopher Dorrington**, 29 Clark Creek Loop, Clancy MT 59634, appointed January 4, 2021;
- Department of Labor and Industry, Commissioner, **Ms. Laurie Esau**, 780 Tox Drive, Missoula MT 59804, appointed January 4, 2021;
- Department of Military Affairs, Adjutant General, **Major General J. Peter Hronek**, 2765 West Shore Drive, Helena MT 59602, appointed January 4, 2021;
- Department of Natural Resources and Conservation, Director, **Ms. Amanda Kaster**, PO Box 5165, Helena MT 59604, appointed January 4, 2021;

- Department of Revenue, Director, **Mr. Brendan Beatty**, 4230 Oesterle Drive, Helena MT 59602, appointed January 4, 2021;

- Department of Transportation, Director, **Mr. Malcolm D. Long**, 4548 Rangeview Drive, Billings MT 59106, appointed January 4, 2021;

- Department of Corrections, Director, **Brian M. Gootkin**, 833 Turnberry Court, Bozeman MT 59715, appointed January 4, 2021;

- Department of Agriculture, Director, **Michael L. Foster**, 2441 Arabian Ave., Bozeman MT 59718, appointed January 5, 2021.

I have included a packet of materials with each nomination for your consideration. Liane Taylor, my Boards and Appointments Director, will coordinate with your office and Legislative Services as these appointments move through the confirmation process. She can be reached at Liane.Taylor2@mt.gov or by phone at extension 4405.

Thank you in advance for sending these materials on to the State Senate.

Sincerely,

GREG GIANFORTE
Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 73, introduced by K. Regier, D. Fern, referred to Taxation.
SB 74, introduced by D. Salomon, referred to Highways and Transportation.
SB 75, introduced by D. Salomon, referred to Education and Cultural Resources.
SB 76, introduced by D. Salomon, referred to Business, Labor, and Economic Affairs.
SB 77, introduced by T. McGillvray, L. Brewster, F. Fleming, C. Friedel, D. Kary, D. Lenz, B. Molnar, K. Seekins-Crowe, C. Smith, M. Stromswold, K. Zolnikov, referred to Taxation.
SB 78, introduced by D. Kary, C. Friedel, T. McGillvray, C. Smith, referred to Taxation.
SB 79, introduced by D. Kary, T. Gauthier, V. Ricci, C. Smith, S. Vinton, referred to Highways and Transportation.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, January 7, 2021. Motion carried.

Senate adjourned at 1:08 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 7, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/7/2021

Correctly printed: **SB 73**, **SB 74**, **SB 75**, **SB 76**, **SB 77**, **SB 78**, **SB 79**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/7/2021
SB 28, do pass.

Without objection, the committee report was adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 83, introduced by B. Hoven, referred to Judiciary.
SB 84, introduced by D. Ankney, C. Smith, referred to Energy and Telecommunications.
SB 85, introduced by D. Ankney, C. Smith, referred to Taxation.
SB 86, introduced by D. Ankney, C. Smith, referred to Energy and Telecommunications.
SB 87, introduced by D. Ankney, C. Smith, referred to Energy and Telecommunications.
SB 88, introduced by D. Ankney, C. Smith, referred to Energy and Telecommunications.

The following Senate bills were introduced and read first time:

SB 80, introduced by K. Regier.
SB 81, introduced by K. Regier.
SB 82, introduced by S. Fitzpatrick.

UNFINISHED BUSINESS

Mr. President: I move that the following name be ADDED as sponsor to **SB 58**:

Representative Kassmier
Signed: Senator Cuffe

Without objection so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Friday, January 8, 2021. Motion carried.

Senate adjourned at 1:06 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 8, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Fox and Lang excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/8/2021

Correctly printed: **SB 28**, **SB 83**, **SB 84**, **SB 85**, **SB 86**, **SB 87**, **SB 88**.
Correctly engrossed: **SB 19**, **SB 50**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 1/8/2021
SB 19, introduced bill, be amended as follows:

1. Page 2, line 18.
Following: "to"
Strike: "each of"

2. Page 2, line 18.
Strike: "following committees"
Insert: "law and justice interim committee"

3. Page 2, line 19.
Strike: ":"
Insert: "."

4. Page 2, line 20 through line 23.
Strike: subsections (a) through (d) in their entirety

And, as amended, do pass.

SB 50, introduced bill, be amended as follows:

1. Page 1, line 22 through line 24.
Strike: subsection (c) in its entirety

And, as amended, do pass.

Without objection, committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills, previously introduced, were referred to committees:

SB 80, introduced by K. Regier, referred to Local Government.
SB 81, introduced by K. Regier, referred to Energy and Telecommunications.
SB 82, introduced by S. Fitzpatrick, referred to State Administration.

The following Senate bills were introduced and read first time:

SB 89, introduced by K. Regier.
SB 90, introduced by J. Small.

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Monday, January 11, 2021. Motion carried.

Senate adjourned at 1:09 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 11, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/11/2021

Correctly printed: **SB 80**, **SB 81**, **SB 82**, **SB 89**, **SB 90**.

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the coming week:

Jacob Garcia from Helena, sponsored by Senator Vance.
Micah Hansen from Beavercreek, Ohio, sponsored by Senator McGillvray.

Senator Cohenour called for a moment of silence to honor U.S. Capitol police officers and other law enforcement personnel at risk in the performance of their duties.

Senator Glimm called for a moment of silence to honor Maverick Branch, a 9-yr-old boy from Kila, Montana.

REPORTS OF STANDING COMMITTEES

RULES (Smith, Chair): 1/11/2021
SJ 1, introduced joint resolution, be amended as follows:

1. Page 3, line 21.
Strike: "address and location"
Insert: "city and state"

2. Page 13, line 21.
Following: "Revenue"
Strike: "and Transportation"

3. Page 14, line 2 through page 15, line 17.
Following: "committees." on line 2
Strike: remainder of line 2 through "Committee" on page 15, line 17

Insert: "(1) During an interim when the Legislature is not in session, the committees listed in subsection (2) are the interim committees of the Legislature. They are empowered to sit as committees and may act in their respective areas of responsibility.

(2) (a) The following are interim committees of the Legislature:
(i) Children, Families, Health, and Human Services Interim Committee;
(ii) Economic Affairs Interim Committee;
(iii) Education Interim Committee;
(iv) Energy and Telecommunications Interim Committee;
(v) Law and Justice Interim Committee;
(vi) Local Government Interim Committee;
(vii) Revenue Interim Committee;
(viii) State Administration and Veterans' Affairs Interim Committee;
(ix) State-Tribal Relations Interim Committee;
(x) Transportation Interim Committee; and
(xi) Water Policy Interim Committee.
(b) For the purposes of this rule, the Environmental Quality Council is also considered an interim committee.
(3) The Speaker of the House and the President of the Senate are ex officio voting members of each interim committee for the sole purpose of breaking a tie vote on a question before an interim committee involving an interim committee objection to an administrative rule pursuant to Title 2, chapter 4, MCA.
(4) Fifty percent of interim committees must be selected to the extent possible from the following legislative standing committees:
(a) Children, Families, Health, and Human Services Interim Committee:
(i) Senate Public Health, Welfare, and Safety Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Human Services Committee; and
(iv) House Appropriations Committee;
(b) Economic Affairs Interim Committee:
(i) Senate Agriculture, Livestock, and Irrigation Committee;
(ii) Senate Business, Labor, and Economic Affairs Committee;
(iii) Senate Finance and Claims Committee;
(iv) Senate Energy Committee;
(v) House Agriculture Committee;
(vi) House Business and Labor Committee;
(vii) House Energy, Technology, and Federal Relations Committee; and
(viii) House Appropriations Committee;
(c) Education Interim Committee:
(i) Senate Education and Cultural Resources Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Education Committee; and
(iv) House Appropriations Committee;
(d) Energy and Telecommunications Interim Committee:
(i) Senate Energy Committee;
(ii) House Energy, Technology, and Federal Relations Committee;

(iii) House Appropriations Committee; and
(iv) Senate Finance and Claims Committee;
(e) Law and Justice Interim Committee:
(i) Senate Judiciary Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Judiciary Committee; and
(iv) House Appropriations Committee;
(f) Local Government Interim Committee:
(i) Senate Local Government Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Local Government Committee; and
(iv) House Appropriations Committee;
(g) Revenue Interim Committee:
(i) Senate Taxation Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Taxation Committee; and
(iv) House Appropriations Committee;
(h) State Administration and Veterans' Affairs Interim Committee:
(i) Senate State Administration Committee;
(ii) Senate Finance and Claims Committee;
(iii) House State Administration Committee; and
(iv) House Appropriations Committee;
(i) State-Tribal Relations Interim Committee:
(i) Senate Education and Cultural Resources Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Energy, Technology, and Federal Relations Committee; and
(iv) House Appropriations Committee;
(j) Transportation Interim Committee:
(i) Senate Highways and Transportation Committee;
(ii) Senate Finance and Claims Committee;
(iii) House Transportation Committee; and
(iv) House Appropriations Committee;
(k) Water Policy Interim Committee:
(i) Senate Agriculture, Livestock, and Irrigation Committee;
(ii) Senate Natural Resources Committee;
(iii) Senate Fish and Game Committee;
(iv) Senate Finance and Claims Committee;
(v) House Agriculture Committee;
(vi) House Fish, Wildlife, and Parks Committee;
(vii) House Natural Resources Committee; and
(viii) House Appropriations Committee"

4. Page 17, line 20 through line 21.
Following: "House" on line 20
Strike: "," on line 20 through "House," on line 21

Insert: "and"

5. Page 17, line 21.
Following: the first "Senate"
Strike: ", and the minority leader of the Senate"

6. Page 17, line 22.
Strike: "20"
Insert: "38"

7. Page 17, line 22.
Following: "requests."
Insert: "The minority leader of the House and the minority leader of the Senate may each direct the staff of the Legislative Services Division to assign a higher priority to 20 draft requests."

And, as amended, do pass.

SR 1, introduced resolution, be amended as follows:

1. Page 24, line 27.
Following: "Senate."
Insert: "A call of the Senate is not in order if a majority of Senators are physically and remotely present."

2. Page 25, line 5.
Following: "call."
Insert: "When a quorum has been achieved under the call, the call is automatically lifted."

3. Page 26, line 6.
Strike: "two-thirds"
Insert: "three-fifths"

4. Page 28, line 11.
Following: "motion"
Strike: "amend or"

5. Page 28, line 11.
Strike: "two-thirds"
Insert: "three-fifths"

And, as amended, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 1/8/2021

HB 1, introduced by L. Jones

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 91, introduced by G. Vance, referred to State Administration.
SB 92, introduced by G. Vance, referred to State Administration.
SB 93, introduced by G. Vance, referred to State Administration.
SB 94, introduced by S. Webber, referred to State Administration.

The following Senate bill, previously introduced, was referred to committee:

SB 90, introduced by J. Small, referred to Business, Labor, and Economic Affairs.

The following House bill was introduced, read first time, and referred to committee:

HB 1, introduced by L. Jones (by request of the Legislative Council), referred to Finance and Claims.

MOTIONS

Majority Leader Smith moved that **SB 64** be taken from the Judiciary Committee and re-referred to the Highways and Transportation Committee.

Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, January 12, 2021. Motion carried.

Senate adjourned at 1:11 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 12, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/12/2021

Correctly printed: **SB 91**, **SB 92**, **SB 93**, **SB 94**.
Correctly engrossed: **SJ 1**, **SR 1**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/12/2021
SB 49, do pass..
SB 66, do pass.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/11/2021
SB 25, do pass.

JUDICIARY (Regier, Chair): 1/12/2021
SB 47, introduced bill, be amended as follows:

1. Page 1, line 15.
Following: "provide"
Insert: "a rationale for the placement and"

And, as amended, do pass.

TAXATION (Hoven, Chair): 1/12/2021
SB 34, do pass.
SB 35, introduced bill, be amended as follows:

1. Title, line 6.
Following: "SECTIONS"
Insert: "15-24-3004, 15-24-3005,"

2. Title, line 8.
Following: "15-24-3001"

Strike: ","
Insert: "AND"

3. Title, line 8.
Following: "15-24-3002,"
Strike: "15-24-3004, AND 15-24-3005,"

4. Page 1.
Following: line 11
Insert: "**Section 1.** Section 15-24-3004, MCA, is amended to read:

"**15-24-3004. Wind generation facility impact fee for local governmental units and school districts.** (1) An owner or operator of a wind generation facility used for a commercial purpose is subject to an initial local governmental and local school impact fee to be paid for each year of the first 3 years after construction of the wind generation facility begins. The annual impact fee may not exceed 0.5% of the total cost of constructing the wind generation facility.

(2) (a) Subject to subsection (2)(b), the impact fee is assessed and distributed as provided in ~~15-24-3005(2) and (3)~~ 15-24-3005(1) and (2).

(b) Local governmental units may enter into an interlocal agreement as provided in ~~15-24-3005(4)~~ 15-24-3005(3).

(3) (a) For the purposes of this section, "wind generation facility" means any combination of a physically connected wind turbine or turbines, associated prime movers, and other associated property, including appurtenant land and improvements and personal property, that are normally operated together to produce electric power from wind.

(b) The term does not include a wind generation facility used for noncommercial purposes or exclusively for agricultural purposes.""
Insert: "**Section 2.** Section 15-24-3005, MCA, is amended to read:

"**15-24-3005. ~~Electrical~~ Wind generation facility impact fee for local governmental units and school districts ~~-- wind generation facility impact fee~~.** (1) ~~(a) If an owner or operator of an electrical generation facility, as defined in 15-24-3001, is exempt from property taxation pursuant to 15-24-3001, the owner or operator of the facility is subject to an initial local government and local school impact fee. In the first 2 years of construction, the impact fee may not exceed 0.75% of the total cost of constructing the electrical generation facility.~~

~~(b) In the case of a generation facility powered by oil or gas turbines, the impact fee may not exceed 0.1% of the total construction cost in the remaining 3 years of the tax exemption period as provided in15-24-3001.~~

~~(c) In the case of any other generation facility, the impact fee may not exceed 0.1% of the total construction cost in the subsequent 4 years and may not exceed 0.08% of the total construction cost in the remaining 4 years of the tax exemption period as provided in15-24-3001.~~

~~(2)~~ Except as provided in subsection ~~(4)~~ (3), the jurisdictional area of a local governmental unit in which ~~an electrical generation facility or~~ a wind generation facility is located is the local governmental unit that is authorized to assess the impact fee pursuant to 15-24-3004(1) ~~or subsection (1) of this section~~.

~~(3)~~ (2) The impact fee must be distributed to the local governmental unit for local impacts and to the impacted school districts.

~~(4)~~ (3) Subject to the conditions of 15-24-3006 and subsection ~~(5)~~ (4) of this section, if the

~~electrical generation facility or~~ wind generation facility is located within the jurisdictional areas of multiple local governmental units of the county or contiguous counties, the local governmental units may enter into an interlocal agreement under Title 7, chapter 11, part 1, to determine how the fee should be distributed among the various local governmental units and impacted school districts pursuant to subsection ~~(3)~~ (2). The county in which the ~~electrical generation facility or~~ wind generation facility is located is authorized to assess the fee under the interlocal agreement.

~~(5)~~ (4) For purposes of 15-24-3004 ~~and this section~~, a "local governmental unit" means a county, city, or town. If ~~an exempt electrical generation facility or~~ a wind generation facility is located within a tax increment financing district, the tax increment financing district is considered a local governmental unit and is entitled to the distribution of impact fees under this section. A tax increment financing district may not receive a distribution of impact fees if ~~an exempt electrical generation facility or~~ a wind generation facility is not located within the district.

~~(6)~~ (5) Impact fees imposed under 15-24-3004(2)(b) or under subsection ~~(4)~~ (3) of this section must be deposited in the county electrical energy generation impact fee reserve account established in 15-24-3006 for the county in which the ~~electrical~~ wind generation facility is located. Money in the account may not be expended until the multiple local governmental units have entered into an interlocal agreement.""
Renumber: subsequent sections

5. Page 1, line 14.
Strike: "that received"
Insert: "receiving"

6. Page 1, line 14.
Following: "under"
Strike: "former"
Following: "or"
Insert: "that received impact fees from an electrical generation facility under"
Following: "15-24-3005(4)"
Insert: "before the amendments in [this act]"

7. Page 1, line 15.
Following: "~~an~~"
Insert: "establish or"

8. Page 1, line 19.
Following: the first "in"
Strike: "former"
Following: "or"
Strike: "former"

9. Page 1, line 25.
Following: "in"
Strike: "former"

10. Page 1, line 26.

Following: "to"
Strike: "former"

11. Page 1, line 27.
Following: "15-24-3005(2)"
Insert: "before the amendments in [this act]"
Following: ","
Insert: "15-24-3005,"
Following: "~~an~~"
Insert: "establish or"
Following: "~~deposit~~"
Insert: "deposit or"

12. Page 15, line 24 through line 26.
Strike: line 24 through on line 26

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

January 11, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301 and -302, I submit to you and the Montana Senate the following board appointments for confirmation.

Board of Environmental Review
MCA § 2-15-3502

I have appointed the following persons to the Board of Environmental Review:

- Jon C. Reiten, 101 Grand Avenue, Billings, MT 59101, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Reiten fulfills the qualifications of hydrologist and replaces John DeArment whose term expired January 3, 2021.
- David W. Simpson, 3603 Toboggan Road, Billings, MT 59101, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Simpson fulfills the qualifications of environmental science and replaces Dexter Busby whose term expired January 3,

2021.

● Joseph T. Smith, 702 Ranch Ridge Lane, Florence, MT 59833, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Smith fulfills the qualifications of local government planning and replaces Christine Deveny whose term expired January 3, 2021.

● Steven P. Ruffatto, 31 Lower Hawk Valley Rd., Columbus, MT 59109, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Ruffatto fulfills the qualifications of attorney and replaces Christian Tweeten whose term expired January 3, 2021.

As required by MCA § 5-5-302, I am submitting to the Senate for confirmation the following person who was appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

● Jeremiah Lynch, 640 Beverly, Missoula, MT 59801, who was appointed by former Governor Bullock on February 14, 2020 and whose term expires January 1, 2023. Mr. Lynch fulfills the qualifications of a public member.

● In the event the Senate does not confirm Mr. Lynch, I appoint and request the Senate to confirm Julia Altemus, 2807 O'Shaughnessy, Missoula, MT 59808. Ms. Altemus fulfills the qualifications of a public member, would be filling the vacancy created upon non-confirmation of Mr. Lynch, and would serve through January 1, 2023.

Board of Water Well Contractors
MCA § 2-15-3307

As required by MCA § 5-5-302, I am submitting to the Senate for confirmation the following person whose was appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

● Pat Byrne, 245 Gerber Road, Great Falls, MT 59405, who was appointed by former Governor Bullock on July 3, 2019 and whose term expires July 1, 2022. Mr. Byrne fulfills the qualifications of a licensed Montana water well contractor. I support the confirmation of Mr. Byrne.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 1/11/2021

HB 3, introduced by Bedey

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 95, introduced by E. McClafferty, referred to Education and Cultural Resources.
SB 96, introduced by S. Webber, referred to Highways and Transportation.
SB 97, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 98, introduced by B. Gillespie, referred to Agriculture, Livestock and Irrigation.
SB 99, introduced by C. Smith, referred to Education and Cultural Resources.
SB 100, introduced by C. Smith, referred to Public Health, Welfare and Safety.
SB 101, introduced by C. Smith, referred to Business, Labor, and Economic Affairs.
SB 102, introduced by J. Small, referred to Business, Labor, and Economic Affairs.

The following Senate bill was introduced and read first time:

SB 103, introduced by B. Gillespie.

The following House bill was introduced, read first time, and referred to committee:

HB 3, introduced by D. Bedey (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Blasdel in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 28 - Senator Salomon moved **SB 28** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.

Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 19 - Senator K. Regier moved **SB 19** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 50 - Senator Sands moved **SB 50** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 39

Nays: Brown, Glimm, Hertz, Hinebauch, Keenan, McGillvray, Molnar, Mr. President, Smith C, Vance, Welborn.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Majority Leader Smith moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 32** be taken from the Public Health, Welfare, and Safety Committee and re-referred to the Judiciary Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, January 13, 2021, the eighth legislative day. Motion carried.

Senate adjourned at 1:29 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 13, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Molnar excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/13/2021

Correctly printed: **SB 19**, **SB 25**, **SB 28**, **SB 34**, **SB 49**, **SB 50**, **SB 66**, **SB 95**, **SB 96**, **SB 97**, **SB 98**, **SB 99**, **SB 100**, **SB 101**, **SB 102**, **SB 103**.
Correctly engrossed: **SB 35**.

Senator Molnar joined the Senate at this time.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 1/12/2021
HB 1, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 1/12/2021
SB 5, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/12/2021

HB 19, introduced by E. Buttrey
HB 41, introduced by M. Funk
HB 45, introduced by B. Putnam
HB 48, introduced by S. Gist
HB 52, introduced by T. Welch
HB 54, introduced by K. Seekins-Crowe

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 104, introduced by J. Welborn, referred to Judiciary.
SB 105, introduced by J. Cohenour, referred to Fish and Game.

The following Senate bill, previously introduced, was referred to committee:

SB 103, introduced by B. Gillespie, referred to Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time, and referred to committees:

HB 19, introduced by E. Buttrey (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.
HB 41, introduced by M. Funk (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 45, introduced by B. Putnam (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
HB 48, introduced by S. Gist (by request of the Department of Fish, Wildlife, and Parks) , referred to Fish and Game.
HB 52, introduced by T. Welch (by request of the Department of Revenue), referred to Taxation.
HB 54, introduced by K. Seekins-Crowe (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Osmundson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 1 - Majority Leader C. Smith moved **SJ 1** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch,

McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 1 - Majority Leader C. Smith moved **SR 1** be adopted.

SR 1 - Senator Blasdel moved **SR 1**, second reading copy, be amended as follows:

1. Page 16, line 8.
Strike: "**Additional**"
Insert: "**Cosponsors and additional**"

2. Page 16, line 8.
Following: "**sponsors.**"
Insert: "(1) Prior to submitting legislation to the Secretary of the Senate for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator shall sign the cosponsor form attached to the legislation in order to be added as a cosponsor."
Renumber: subsequent subsections

3. Page 16, line 8.
Strike: "Additional"
Insert: "After legislation is submitted for introduction,"

Amendment adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 1 - As amended, **SR 1** was adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report.** Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 19 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 28 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 50 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 34

Nays: Brown, Cuffe, Ellsworth, Esp, Fox, Friedel, Glimm, Hertz, Hinebauch, Keenan, McGillvray, Molnar, Mr. President, Osmundson, Smith C, Vance.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, January 14, 2021, the ninth legislative day. Motion carried.

Senate adjourned at 1:26 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 14, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/14/2021

Correctly printed: **SB 5**, **SB 104**, **SB 105**, **SJ 1**, **HB 1**.
Correctly engrossed: **SB 47**, **SR 1**.
Transmitted to the House: **SB 19**, **SB 28**, **SB 50**, **SJ 1**.

COMMUNICATIONS AND PETITIONS

January 11, 2021

Mark Blasdel, President of the Senate
Wylie Galt, Speaker of the House
Sixty-Seventh Legislature
State Capitol
Helena, Montana

Dear President Blasdel and Speaker Galt:

As required by Montana Code Annotated § 3-1-1126, the Montana Judicial Standards Commission (Commission) submits this report to the legislature for the preceding biennium covering calendar years 2019 and 2020.

Article VII, Section 11, of the 1972 Montana Constitution directs the legislature to create a five-member Judicial Standards Commission to accept and consider complaints against Montana judicial officers. The 1973 legislature created the Commission and it is attached to the Montana Supreme Court for administrative purposes. Mont. Code Ann. § 3-1-1101 through -1126. The work, investigations, and recommendations of the Commission are independent of the Supreme Court. With few exceptions, all papers and proceedings before the Commission are confidential pursuant to Montana Code Annotated § 3-1-1105. Access to Commission records is limited to the Commission and staff.

The Commission's report to the sixty-sixth legislature (2019 session) showed 4 complaints were still pending at the close of 2018. Of those pending complaints, all 4 complaints were dismissed.

As shown in the attached spreadsheet, 50 complaints were filed against judicial officers in calendar year 2019. After consideration and investigation, 44 of those complaints were dismissed, 3 of those complaints resulted in a 30-day suspension without pay to the same judge; 1 resulted in a Stipulation for Public Reprimand, 1 resulted in a letter of admonition to the judge, and 1 resulted in a judge retiring. There was 1 complaint pending as of December 31, 2019. The pending complaint was dismissed in January 2020.

For calendar year 2020, 42 complaints were filed against judicial officers. After consideration and investigation, 36 complaints were dismissed, 1 resulted in a judge retiring, and 1 was a result of the same judge retiring in the report of 2019. There were 4 complaints pending as of December 31, 2020.

Should any member of the legislature, or staff, have questions or need additional information, they may contact Shelly Smith, the Commission's executive secretary, or any member of the Commission.

Very truly yours,

Hon. Mike Menahan, Chairman
JUDICIAL STANDARDS COMMISSION

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/13/2021
SB 23, do pass.
SB 24, do pass.

LOCAL GOVERNMENT (Gauthier, Chair): 1/13/2021
SB 54, do pass.

NATURAL RESOURCES (Welborn, Chair): 1/13/2021
SB 13, do pass.
SB 20, do pass.
SB 53, do pass.

STATE ADMINISTRATION (Kary, Chair): 1/13/2021
SB 1, do pass.
SB 21, do pass.
SB 36, do pass.

TAXATION (Hoven, Chair): 1/14/2021
SB 6, do pass.
SB 30, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

January 13, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301 and -302, I submit to you and the Montana Senate the following board appointments for confirmation.

Fish and Wildlife Commission
MCA § 2-15-3402

I have appointed the following persons to the Fish and Wildlife Commission:

- **Patrick Tabor**, 335 Columbia Avenue, Whitefish MT 59937 has been appointed to serve a term commencing January 4, 2021 and ending January 1, 2025. Mr. Tabor fulfills the qualifications of District 1 commissioner and replaces Tim Aldrich, whose term expired January 3, 2021.

- **K.C. Walsh**, 7351 US Highway 12 East, Martinsdale, MT 59053, has been appointed to serve a term commencing January 4, 2021 and ending January 1, 2025. Mr. Walsh fulfills the qualifications of District 3 commissioner and replaces Richard Stuker whose term expired January 3, 2021.

- **Brian Cebull**, 2924 Millenium Circle, Billings MT 59102 appointed to serve a term commencing January 4, 2021 and ending January 1, 2025. Mr. Cebull fulfills the qualifications of District 5 commissioner and replaces Shane Colton whose term expired January 3, 2021.

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following person who was appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **Andrew McKean**, PO Box 1183, Glasgow, MT 59230, who was appointed by Governor Bullock on November 25, 2020 and whose term expires January 1, 2023. In the event the Senate does not confirm Mr. McKean, I appoint and request the Senate to confirm **Lesley Robinson**, 2401 Lazy JD Road, Dodson MT 59524. Ms. Robinson fulfills the qualifications of a District 4 Commissioner and is experienced in the breeding and management of domestic livestock. Ms. Robinson would be filing the vacancy created upon non-confirmation of Mr. McKean and would

serve through January 1, 2023.

Board of Parks and Recreation
MCA § 2-15-3406

I have appointed the following persons to the Board of Parks and Recreation:

- **Jody Loomis**, 357 Cabin Road, Helena MT 59602, has been appointed to serve a term commencing January 4, 2021, and ending January 5, 2025. Mr. Loomis fulfills the qualifications of District 1 and replaces Angie Grove whose term expired January 3, 2021.

- **Russell Kipp**, PO Box 460473, Polaris, MT 59602, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Kipp fulfills the qualifications of District 2 and replaces Erica Lighthiser whose term expired January 3, 2021.

- **Kathy McLane**, 377 FAS 254, Glendive, MT, 59330, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Ms. McLane fulfills the qualifications of District 4 and replaces Betty Stone whose term expired January 3, 2021.

Board of Outfitters
MCA § 2-15-1773

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **John Way**, PO Box 625, Ennis, MT 59729, who was appointed by former Governor Bullock on October 16, 2020 and whose term expires October 1, 2023. Mr. Way fulfills the qualifications of a licensed outfitter that provides fishing and hunting services. I support the confirmation of Mr. Way.

- **Marcia Brownlee**, marcia.brownlee@gmail.com, Missoula MT 59802, who was appointed by former Governor Bullock on October 16, 2020 and whose term expires October 1, 2023. Ms. Brownlee was appointed as a member of the general public. In the event the Senate does not confirm Ms. Brownlee, I appoint and request the Senate to confirm **Chris Gentry**, 4939 US Highway 287 N, Ennis MT, 59729. Ms. Gentry fulfills the qualifications of a public member and would be filling the vacancy created upon non-confirmation of Ms. Brownlee and would serve through October 1, 2023.

- **Tom Facey**, 418 Plymouth, Missoula MT 59801, who was appointed by former Governor Bullock on October 16, 2020 and whose term expires October 1, 2023. Mr. Facey was appointed as a sportsperson. In the event the Senate does not confirm Mr. Facey, I appoint and request the Senate to confirm **Robert Sherer**, 2900 29th Street South, Great Falls, MT 59405. Mr. Sherer

fulfills the qualifications of a sportsperson and would be filling the vacancy created upon non-confirmation of Mr. Facey and would serve through October 1, 2023.

- **Todd Earp**, tearp@montana.com, Corvallis, MT 59828, who was appointed by former Governor Bullock on May 15, 2020 and whose term expires October 1, 2023. Mr. Earp was appointed as an outfitter licensed to provide big game hunting services. In the event the Senate does not confirm Mr. Earp, I appoint and request the Senate to confirm **Wagner Harmon**, 6507 DH 1 Drive, Bainville, MT 59212. Mr. Harmon fulfills the qualifications of a licensed big game outfitter and would be filling the vacancy created upon non-confirmation of Mr. Earp and would serve through October 1, 2023

- **Kathy Hadley**, 11155 Eastern Road, Anaconda, MT 59722, who was appointed by former Governor Bullock on December 24, 2020 and whose term expires October 1, 2023. Ms. Hadley was appointed as a sportsperson. In the event the Senate does not confirm Ms. Hadley, I appoint and request the Senate to confirm **Byron Stahly**. Mr. Stahly fulfills the qualifications of a sportsperson and would be filling the vacancy created upon non-confirmation of Ms. Hadley and would serve through October 1, 2023.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

January 14, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301 and -302, I submit to you and the Montana Senate the following board appointments for confirmation.

Board of Hail Insurance
MCA § 2-15-3003

I have appointed the following person to the Board of Hail Insurance:

- **Bing Von Bergen**, 4159 Stockfarm Rd., Moccasin MT 59462, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Bergen fulfills the qualifications of a member and replaces Judy Tureck whose term expired January 3, 2021.

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following person who was appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **Gary Gollehon**, 903 Hells Gulch Road, Brady MT 59416, who was appointed by former Governor Bullock on May 1, 2020 and whose term expires January 1, 2023. In the event the Senate does not confirm Mr. Gollehon, I appoint and request the Senate to confirm **Vince Mattson**, 1350 2100 Rd. S, Chester, MT 59522. Mr. Mattson fulfills the qualifications of a public member, would be filling the vacancy created upon non-confirmation of Mr. Gollehon and would serve through January 1, 2023.

In accordance with MCA § 2-15-3003, state auditor **Troy Downing** and director of the Department of Agriculture **Michael L. Foster** shall also serve as members of the Board of Hail Insurance by virtue of their office.

Livestock Loss Board
MCA § 2-15-3110

I have appointed the following persons to the Board of Livestock Loss:

- **Doreen Gillespie**, PO Box 275, Ethridge, MT, 59435, has been reappointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Ms. Gillespie fulfills the qualifications of a member of the livestock industry who has knowledge and experience with wildlife impacts or management. Ms. Gillespie's prior term ended January 3, 2021.

- **Elaine Allestad**, PO Box 679, Big Timber, MT 59011, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Ms. Allestad fulfills the qualifications of a member of the public who has been involved in wildlife conservation or management. Ms. Allestad replaces Seth Wilson whose term expired January 3, 2021.

- **Joseph Kipp**, 226 Harper Road, Browning MT 59417, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Kipp fulfills the qualifications of a member of the public who has been involved in wildlife conservation or management and replaces James Cross whose term expired January 3, 2021.

Board of Livestock
MCA § 2-15-3102

I have appointed the following persons to the Board of Livestock:

- **Gene Curry**, 130 Curry Road, Valier, MT 59486, has been appointed to serve a term commencing March 1, 2021 and ending February 28, 2027. Mr. Curry has been recommended by the Montana Stockgrowers Association and fulfills the qualifications of a cattle producer. Mr. Curry replaces Lila Taylor whose term ends February 28, 2021.

- **Alan Redfield**, 538 Mill Creek Rd., Livingston, MT 59047, has been appointed to serve a term commencing March 1, 2021 and ending February 28, 2027. Mr. Redfield has been recommended by the Montana Stockgrowers Association and fulfills the qualifications of a cattle producer. Mr. Redfield replaces Brett DeBruycker whose term ends February 28, 2021.

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **Wendy Palmer**, PO Box 207, Raynesford MT 59469, who was appointed by former Governor Bullock on May 29, 2020 and whose term expires February 28, 2025. Ms. Palmer fulfills the qualifications of a cattle producer. In the even the Senate does not confirm Ms. Palmer, I appoint and request the Senate to Confirm **Jake Feddes**, 151 Pebble Brook Lane, Belgrade MT 59714. Mr. Feddes has been recommended by the Montana Stockgrowers Association and fulfills the qualifications of a cattle producer. Mr. Feddes would be filling the vacancy created upon non-confirmation of Ms. Palmer and would serve through February 28, 2025.

- **Giles Stockton**, PO Box 182, Grass Range, MT 59032, who was appointed by former Governor Bullock on May 29, 2020 and whose term expires February 28, 2025. Mr. Stockton fulfills the qualifications of a sheep producer. In the event the Senate does not confirm Mr. Stockton, I appoint and request the Senate to confirm **Greg Wichman**, 1105 Winifred Highway, PO Box 466, Hilger, MT 59451. Mr. Wichman has been recommended by the Montana Wool Growers Association and fulfills the qualifications of a sheep producer. Mr. Wichman would be filling the vacancy created upon non-confirmation of Mr. Stockton and would serve through February 28, 2025.

Board of Milk Control
MCA § 2-15-3105

I have appointed the following persons to the Board of Milk Control:

- **Staci Ketchum**, 3792 US Hwy 12, Miles City, MT 59301 has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Ms. Ketchum is not connected to the dairy industry and fulfills the qualifications of MCA § 2-15-3105. Ms. Ketchum is affiliated with

the Republican party. Ms. Ketchum replaces James Parker, whose term ended January 3, 2021.

- **Ken Bryan**, P.O. Box 8, Roundup, MT 59072, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2023. Mr. Bryan is not connected to the dairy industry and fulfills the qualifications of MCA § 2-15-3105. Mr. Bryan is affiliated with the Republican party. Mr. Bryan replaces Jerrold Weissman, whose term ended January 1, 2019.

- **Scott Mitchell**, 401 North 31st Street, Suite 1500, Billings, MT 59101 has been reappointed to serve a term commencing January 4, 2021 and ending January 5, 2023. Mr. Mitchell is not connected to the dairy industry and fulfills the qualifications of MCA § 2-15-3105. Mr. Mitchell is affiliated with the Democrat party. Mr. Mitchell has been a member of the Milk Control Board since 2007, and his most recent term expired January 1, 2019 but has remained in office subsequent to January 1, 2019 pursuant to MCA § 2-15-124(2) because a successor was not appointed until this reappointment.

- **Brian Beerman**, 341 9th Lane East, Fairfield, MT 59436, has been reappointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Beerman is not currently connected to the dairy industry and fulfills the qualifications of MCA § 2-15-3105. Mr. Beerman is affiliated with the Republican party. Mr. Beerman's prior term ended January 3, 2021.

- **Travis Stroh**, 16 Hillside Lane, Glendive, MT 59330 has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Stroh is not connected to the dairy industry and fulfills the qualifications of MCA § 2-15-3105. Mr. Stroh is an Independent. Mr. Stroh replaces Erik Somerfeld, whose term ended January 3, 2021.

Board of Veterinary Medicine
MCA § 2-15-1742

I have appointed the following person to the Board of Veterinary Medicine:

- **Katie Rein**, PO Box 305, Harlowton, MT 59036, has been appointed to serve a term commencing January 4, 2021 and ending July 31, 2025. Dr. Rein fulfills the qualifications of licensed veterinarian and replaces Dr. Jean Lindley, whose term ended July 31, 2020.

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **Paul McCann**, Havre MT 59501, who was appointed by former Governor Bullock on August 1, 2019, and whose term expires July 31, 2024. Dr. McCann fulfills the qualifications of licensed veterinarian. I support the confirmation of Dr. McCann.

- **Kateri Nelson**, 1106 W. Park, Livingston MT 59047, who was appointed by former Governor Bullock on October 23, 2020 and whose term expires July 31, 2025. Ms. Nelson fulfills

the qualifications of a public member who is a consumer of veterinary services. I support the confirmation of Ms. Nelson.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 1/13/2021

HB 79, introduced by M. Noland

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 106, introduced by W. Sales, referred to Agriculture, Livestock and Irrigation.
SB 107, introduced by B. Bennett, G. Custer, referred to State Administration.
SB 108, introduced by D. Kary, F. Anderson, D. Bartel, B. Beard, S. Berglee, M. Bertoglio, M. Binkley, M. Blasdel, K. Bogner, L. Brewster, B. Brown, M. Cuffe, J. Ellsworth, P. Fielder, R. Fitzgerald, F. Fleming, C. Friedel, J. Fuller, S. Galloway, C. Glimm, S. Greef, G. Hertz, E. Hill, S. Hinebauch, J. Hinkle, D. Howard, S. Kerns, C. Knudsen, R. Knudsen, B. Ler, D. Loge, T. Manzella, T. McGillvray, W. McKamey, B. Molnar, T. Moore, M. Noland, R. Osmundson, J. Patelis, B. Phalen, J. Read, A. Regier, K. Regier, V. Ricci, W. Sales, J. Schillinger, K. Seekins-Crowe, L. Sheldon-Galloway, D. Skees, J. Small, C. Smith, M. Stromswold, R. Tempel, J. Trebas, G. Vance, K. Zolnikov, referred to Public Health, Welfare and Safety.
SB 109, introduced by D. Salomon, referred to Education and Cultural Resources.
SB 110, introduced by R. Osmundson (by request of the Office of Budget and Program Planning), referred to State Administration.

The following House bill was introduced, read first time, and referred to committee:

HB 79, introduced by M. Noland (by request of the Department of Revenue), referred to Business,

Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ellsworth in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 49 - Senator Blasdel moved **SB 49** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn.
Total 47

Nays: Howard, McGillvray, Smith C.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 66 - Senator Fitzpatrick moved **SB 66** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 25 - Senator Salomon moved **SB 25** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 34 - Senator Cohenour moved **SB 34** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn.
Total 49

Nays: Vance.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 1 - Senator Keenan moved consideration of **HB 1** be passed for the day. Without objection, so ordered.

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Ellsworth moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SJ 1 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 91** be taken from the State Administration Committee and re-referred to the Business, Labor and Economic Affairs Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Friday, January 15, 2021, the tenth legislative day. Motion carried.

Senate adjourned at 1:22 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
TENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 15, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Senator Tempel arose on a point of order and informed Senators that school children from his district were watching the Senate in action today. Members of the Senate acknowledged the students.

BILLS AND JOURNALS (Keenan, Chair): 1/15/2021

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the first through the fifth legislative days, find the same to be correct.
Signed: Senator Keenan, Chair

Correctly printed: **SB 1**, **SB 6**, **SB 13**, **SB 20**, **SB 21**, **SB 23**, **SB 24**, **SB 25**, **SB 30**, **SB 34**, **SB 36**, **SB 49**, **SB 53**, **SB 54**, **SB 66**, **SB 106**, **SB 107**, **SB 108**, **SB 109**, **SB 110**.
Correctly engrossed: **SB 65**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Bogner, Vice Chair): 1/14/2021
SB 26, do pass.
SB 27, do pass.
SB 58, do pass.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/15/2021
SB 65, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "SAFE HARBOR"
Insert: "AFFIRMATIVE DEFENSE"

2. Title, line 8.
Following: "DEFINITIONS;"
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE, AN APPLICABILITY DATE, AND A TERMINATION DATE"

3. Page 1, line 11.
Insert: "WHEREAS, the COVID-19 pandemic has caused significant disruption to Montana's people, businesses, places of worship, property owners, and nonprofit organizations and has adversely affected Montana's economy and the rights of Montana's citizens; and

WHEREAS, in order to improve Montana's economy and to encourage people to engage in private sector activities, the Legislature believes it is necessary to enact this legislation to establish standards for imposing liability and to provide defenses for claims relating to COVID-19."

4. Page 1, line 12.
Strike: "6"
Insert: "8"

5. Page 1, line 17.
Following: "means"
Insert: ", for the purposes of [sections 1 through 8],"
Following: "physicians"
Insert: ", physician assistants, nurse practitioners, nurses, nursing assistants, chiropractors, pharmacists, pharmacy technicians, dentists, dental hygienists, medication aides, respiratory therapist practitioners, professional counselors, occupational therapists, midwifes, psychologists,"

6. Page 1, line 22 through line 23.
Strike: subsection (3) in its entirety
Insert: "(3) "Health care provider" means and includes, for the purposes of [sections 1 through 8], a health care professional, health care facility, home health care facility, and any other person or facility otherwise authorized or permitted by any federal or state statute, regulation, order, or public health guidance to administer health care services or treatment. It does not include a government entity or a health care professional that is employed by a government entity.
(4) "Person" means an individual, corporation, nonprofit corporation, estate, trust, partnership, limited liability company, business or similar trust, association, joint venture, place of worship, personal representative, trustee, or any other legal or commercial entity,. It does not include a government entity."
Renumber: subsequent subsections

7. Page 2, line 23.
Strike: "(7)(a) through (7)(e)"
Insert: "(8)(a) through (8)(e)"

8. Page 2, line 25.
Strike: "**Actual injury**"
Insert: "Liability"

9. Page 2, line 25.

Strike: "A"
Insert: "Except as provided in [sections 3 through 8], a"

10. Page 2, line 26 through page 3, line 1.
Following: "unless" on line 26
Strike: ":" on line 26 through "(3)" on page 3, line 1

11. Page 3, line 1.
Following: "act"
Insert: "or omission"

12. Page 3, line 1.
Following: "negligence"
Insert: ","
Strike: "or"

13. Page 3, line 1.
Following: "misconduct"
Insert: ", or intentional tort"

14. Page 3, line 3.
Following: "**liability.**"
Insert: "(1)"

15. Page 3, line 5.
Following: "premises,"
Strike: "shall not be"
Insert: "is not"

16. Page 3, line 7 through line 12.
Strike: "one" on line 7 through "covid-19" on line 12
Insert: "the civil action involves an act or omission that constitutes gross negligence, willful and wanton misconduct, or intentional tort"

17. Page 3, line 13.
Insert: "(2) The standard established in subsection (1) applies in landlord-tenant claims made under 70-24-303(1)(b) through (1)(e) for injuries sustained from an individual's exposure to covid-19."

18. Page 3, line 14 through line 19.
Strike: section 4 in its entirety
Renumber: subsequent sections

19. Page 3, line 21.
Following: "provider"
Strike: "shall not be"

Insert: "is not"

20. Page 3, line 24.
Strike: "state's"

21. Page 3, line 25.
Strike: "of"
Insert: "or omission that constitutes"

22. Page 3, line 25.
Strike: "subsection"
Insert: "section"

23. Page 4, line 3.
Following: the first "the"
Strike: "state's"

24. Page 4, line 23.
Following: "covid-19"
Strike: "shall not be"
Insert: "is not"

25. Page 4, line 26.
Strike: "an act of"
Insert: "an act or omission that constitutes"

26. Page 5, line 1.
Strike: "shall not be"
Insert: "is not"

27. Page 5, line 4.
Strike: "of"
Insert: "or omission that constitutes"

28. Page 5.
Following: line 6
Insert: "NEW SECTION. **Section 6. Affirmative defense -- reasonable measures consistent with regulations, orders, and guidance.** (1) In addition to all other defenses, a person may assert as an affirmative defense that the person took reasonable measures consistent with a federal or state statute, regulation, order, or public health guidance related to covid-19 that was applicable to the person or activity at issue at the time of the alleged injury.
(2) If two or more sources of public health guidance are applicable, a person does not breach a duty of care if the person took reasonable measures consistent with one applicable set of guidance.
(3) If a person proves the affirmative defense contained in this section, the affirmative defense

is a complete bar to any action relating to covid-19.
(4) This section may not be construed to impose liability on a person for failing to comply with a federal or state statute, regulation, order, or public health guidance related to covid-19."
Insert: "NEW SECTION. **Section 7. Limitation on action.** A government order, regulation, or guidance related to covid-19 may not create and may not be construed to create a new cause of action against any person with respect to the matters contained in the government order, regulation, or guidance."
Insert: "NEW SECTION. **Section 8. Limitation on requirements.** (1) If a federal or state statute, regulation, order, or public health guidance related to covid-19 recommends or requires the use of a face mask, a person is not required to ensure face masks are being used or a face mask is sufficient to stop the spread of covid-19 to meet the standard of care.
(2) If a federal or state statute, regulation, order, or public health guidance related to covid-19 recommends or requires temperature checks, a person is not required to conduct temperature checks before allowing a person to enter a premises if an individual entering the premises refuses to allow a temperature check.
(3) If a federal or state statute, regulation, order, or public health guidance related to covid-19 recommends or requires a vaccine, an individual is not required to receive a vaccine and a person is not required to ensure employees or agents are vaccinated to meet the standard of care."
Renumber: subsequent sections

29. Page 5, line 22.
Strike: "3"
Insert: "2"

30. Page 6, line 22.
Strike: "3"
Insert: "2"

31. Page 7.
Following: line 8
Insert: "**Section 10.** Section 70-24-303, MCA, is amended to read:
"**70-24-303. Landlord to maintain premises -- agreement that tenant perform duties -- limitation of landlord's liability for failure of smoke detector or carbon monoxide detector.** (1) ~~A~~ Subject to [section 3], a landlord:
(a) shall comply with the requirements of applicable building and housing codes materially affecting health and safety in effect at the time of original construction in all dwelling units where construction is completed after July 1, 1977;
(b) may not knowingly allow any tenant or other person to engage in any activity on the premises that creates a reasonable potential that the premises may be damaged or destroyed or that neighboring tenants may be injured;
(c) shall make repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;
(d) shall keep all common areas of the premises in a clean and safe condition;
(e) shall maintain in good and safe working order and condition all electrical, plumbing, sanitary,

heating, ventilating, air-conditioning, and other facilities and appliances, including elevators, supplied or required to be supplied by the landlord;
(f) shall, unless otherwise provided in a rental agreement, provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit and arrange for their removal;
(g) shall supply running water and reasonable amounts of hot water at all times and reasonable heat between October 1 and May 1, except if the building that includes the dwelling unit is not required by law to be equipped for that purpose or the dwelling unit is so constructed that heat or hot water is generated by an installation within the exclusive control of the tenant; and
(h) shall install in each dwelling unit under the landlord's control an approved carbon monoxide detector, in accordance with rules adopted by the department of labor and industry, and an approved smoke detector, in accordance with rules adopted by the department of justice. Upon commencement of a rental agreement, the landlord shall verify that the carbon monoxide detector and the smoke detector in the dwelling unit are in good working order. The tenant shall maintain the carbon monoxide detector and the smoke detector in good working order during the tenant's rental period. For the purposes of this subsection (1)(h), an approved carbon monoxide detector, as defined in 70-20-113, and an approved smoke detector, as defined in 70-20-113, bear a label or other identification issued by an approved testing agency having a service for inspection of materials and workmanship at the factory during fabrication and assembly.
(2) If the duty imposed by subsection (1)(a) is greater than a duty imposed by subsections (1)(b) through (1)(h), a landlord's duty must be determined by reference to subsection (1)(a).
(3) A landlord and tenant of a one-, two-, or three-family residence may agree in writing that the tenant perform the landlord's duties specified in subsections (1)(f) and (1)(g) and specified repairs, maintenance tasks, alteration, and remodeling but only if the transaction is entered into in good faith and not for the purpose of evading the obligations of the landlord.
(4) A landlord and tenant of a one-, two-, or three-family residence may agree that the tenant is to perform specified repairs, maintenance tasks, alterations, or remodeling only if:
(a) the agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the landlord and is set forth in a separate writing signed by the parties and supported by adequate consideration;
(b) the work is not necessary to cure noncompliance with subsection (1)(a); and
(c) the agreement does not diminish the obligation of the landlord to other tenants in the premises.
(5) The landlord is not liable for damages caused as a result of the failure of the carbon monoxide detector or the smoke detector required under subsection (1)(h)."
Renumber: subsequent sections

32. Page 7.
Following: line 14
Insert: "NEW SECTION. **Section 13. {standard} Severability**. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Insert: "NEW SECTION. **Section 14. {standard} Effective date.** [This act] is effective on

passage and approval."
Insert: "NEW SECTION. **Section 15. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to claims made on or after January 1, 2021."
Insert: "NEW SECTION. **Section 16. Termination.** [This act] terminates January 1, 2031."

And, as amended, do pass.

SB 70, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 1/14/2021
SB 14, do pass.

FISH AND GAME (Hinebauch, Chair): 1/14/2021
SB 61, do pass.
SB 62, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

January 13, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301, I am submitting to you and the Senate the following judicial appointments made by former Governor Bullock during the recess of the legislature:

1st Judicial District (Broadwater and Lewis & Clark Counties)
MCA 3-1-1010

- Judge Chris Abbott, 811 East Broadway, Helena, MT 59601

8th Judicial District (Cascade County)
MCA 3-1-1010

- Judge Michele Reinhart Levine, 3021 Eighth Avenue South, Great Falls, MT 59405

18th Judicial District (Gallatin County)

- Judge Peter Ohman, 612 South 10th Avenue, Bozeman, MT 59715

I have included the appointees' application packets as received by the Judicial Nomination Commission.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

January 14, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301 and -302, I submit to you and the Montana Senate the following board appointments for confirmation.

Board of Public Education
MCA § 2-15-1508

I have appointed the following person to the Board of Public Education:

- **Susie Hedalen**, 391 Stagecoach, Townsend MT 59644, has been appointed to serve a term commencing February 1, 2021 and ending January 31, 2028. Ms. Hedalen fulfills the qualifications as a member from District 1 and is affiliated with the Republican party. Ms. Hedalen replaces Mary Jo Bremner, whose term expires January 31, 2021.

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16- 506 during the recess of the legislature:

• **Jeremiah Lynch**, lynchjeremiah69@gmail.com, Missoula, MT 59801, who was appointed by former Governor Bullock on May 1, 2020 and whose term expires January 31, 2027. Mr. Lynch fulfills the qualifications as a member from District 1 and is affiliated with the Democrat party.

In the event the Senate does not confirm Mr. Lynch, I appoint and request the Senate to confirm **Mary Heller**, 625 Montana Avenue, Havre MT 59501. Ms. Heller fulfills the qualifications as a member from District 2 and is affiliated with the Republican party. Ms. Heller would be filling the vacancy created upon non-confirmation of Mr. Lynch and would serve through January 31, 2027.

• **Sharon Carroll**, PO Box 463, Ekalaka MT 5932, who was appointed by former Governor Bullock on October 2, 2020 and whose term expires January 31, 2025. Ms. Carroll fulfills the qualifications as a member from District 2 and is affiliated with the Democrat party.

In the event the Senate does not confirm Ms. Carroll, I appoint and request the Senate to confirm **Jane Lee Hamman**, P.O. Box 164, Clancy, MT 59634. Ms. Hamman fulfills the qualifications as a member of District 2 and is affiliated with the Republican party. Ms. Hamman would be filling the vacancy created upon non-confirmation of Ms. Carroll and would serve through January 31, 2025.

Board of Regents of Higher Education
MCA § 2-15-1508

I have appointed the following person to the Board of Regents of Higher Education:

• **Todd Buchanan**, 14 N 24th St., Billings MT 59101, has been appointed to serve a term commencing February 1, 2021 and ending January 31, 2028. Mr. Buchanan fulfills the qualifications as a member of District 2 and is affiliated with the Republican party. Mr. Buchanan replaces Martha Sheehy whose term expires January 31, 2021.

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16- 506 during the recess of the legislature:

• **Amy Sexton**, PO Box 50777, Billings MT 59105, who was appointed by former Governor Bullock on July 1, 2020 and whose term expires June 30, 2021. Ms. Sexton meets the qualifications of student regent and District 2. I support the confirmation of Ms. Sexton.

• **Paul C Tuss**, 13 Spruce Drive, Havre, MT 59501, who was appointed by former Governor Bullock on February 14, 2020 and whose term expires January 31, 2027. Mr. Tuss meets the qualifications as a member of District 2 and is affiliated with the Democrat party.

In the event the Senate does not confirm Mr. Tuss, I appoint and request the Senate to confirm **Loren Bough**, PO Box 160909, Big Sky MT 59716. Mr. Bough fulfills the qualifications as a

member of District 1 and is affiliated with the Republican party. Mr. Bough would be filling the vacancy created upon non-confirmation of Mr. Tuss and would serve through January 31, 2027.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

January 14, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301 and -302, I submit to you and the Montana Senate the following board appointments for confirmation.

Board of County Printing
MCA § 2-15-1026

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16- 506 during the recess of the legislature:

- **Jonathan McNiven**, PO Box 130, Huntley MT 59037, who was appointed by Governor Bullock on August 14, 2020 and whose term expires April 1, 2021. Mr. McNiven fulfills the qualification of a representative of the printing industry. I support the confirmation of Mr. McNiven.

- **David McCumber**, 496-5513, Butte MT 59701, who was appointed by former Governor Bullock on May 31, 2019 and whose term expires April 1, 2021. Mr. McCumber fulfills the qualification of a representative of the printing industry. I support the confirmation of Mr.

McCumber.

• **Laura Obert**, 515 Broadway, Townsend MT 59644, who was appointed by former Governor Bullock on May 31, 2019 and whose term expires April 1, 2021. Ms. Obert fulfills the qualification of a county commissioner member (Broadwater County).

In the event the Senate does not confirm Ms. Obert, I appoint and request the Senate to confirm **James Larson**, 162 McCoy Rd. Belt, MT 59412, Cascade County Commissioner. Mr. Larson fulfills the qualifications of a county commissioner member,would be filling the vacancy created upon non-confirmation of Ms. Obert, and would serve through April 1, 2021.

• **Carol Brooker**, PO Box 519, Thompson Falls, MT 59873, who was appointed by former Governor Bullock on May 31, 2019 and whose term expires April 1, 2021. Ms. Brooker fulfills the qualification of a county commissioner member (Sanders County).

In the event the Senate does not confirm Ms. Brooker, I appoint and request the Senate to confirm **Mary Armstrong**, PO Box 431, Glasgow MT 59230, Valley County Commissioner. Ms. Armstrong fulfills the qualifications of a county commissioner member, would be filling the vacancy created upon non-confirmation of Ms. Brooker and would serve through April 1, 2021.

Board of Investments
MCA § 2-15-1808

I have appointed the following persons to the Board of Investments:

• **Maggie Peterson**, 1055 Durant Canyon Rd, Anaconda, MT 59711, has been reappointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Ms. Peterson fulfills the qualifications of a member of the Public Employees' Retirement System Board.

• **Jeff Greenfield**, 5624 Meadowmist, Shepherd, MT 59079, has been reappointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Greenfield fulfills the qualifications of a member of theTeachers' Retirement System Board.

• **Jack Prothero**, 619 3rd Ave SW, Great Falls MT 59404, has been reappointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Prothero fulfills the qualifications of a member informed and experienced in the subject of investments who represents financial community.

• **Mark Barry**, 210 Norris Road, Helena MT 59602, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Barry fulfills the qualifications of a member informed and experienced in the subject of investments who represents financial community and replaces Jim Edwards whose term expired January 1, 2021.

• **Jeff Meredith**, 49 Commons Loop, Kalispell MT 59901, has been appointed to serve

a term commencing January 4, 2021 and ending January 5, 2025. Mr. Meredith fulfills the qualifications of a member informed and experienced in the subject of investments who represents small business and replaces Mark Neonnig whose term expired January 1, 2021.

Board of Veterans' Affairs
MCA § 2-15-1205

I have appointed the following person to the Board of Veterans' Affairs:

• **Charlotte Snyder**, 403 S Harris St, Helena MT 59601, has been appointed to serve a term commencing August 1, 2021 and ending July 31, 2025. Ms. Snyder fulfills the qualifications of Region 3 representative and will replace Clarence Sivertsen when his term expires August 1, 2021.

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16- 506 during the recess of the legislature:

• **Jen Dalrymple**, 113 Ravenwood Ridge Rd, Townsend MT, 59644 who was appointed by former Governor Bullock on November 13, 2020 and whose term expires July 31, 2023. Ms. Dalrymple fulfills the qualifications of an honorable discharged veteran who serves as an at large representative. I support the confirmation of Ms. Dalrymple.

• **Richard Klose**, 511 Cottonwood Ave., Laurel MT 59044 who was appointed by former Governor Bullock on November 13, 2020 and whose term expires July 31, 2022. Mr. Klose fulfills the qualifications of Region 4 representative. I support the confirmation of Mr. Klose.

• **Michael Stone**, 249 O'Brien Terrace N, Big Fork, MT 59911, who was appointed by former Governor Bullock on February 28, 2020 and whose term expires August 1, 2023. Mr. Stone fulfills the qualifications of an honorably discharged member. I support the confirmation of Mr. Stone.

• **Kurt Nelson**, monda78@gmail.com, Scobey, MT 59263, who was appointed by former Governor Bullock on November 6, 2020 and whose term expires July 31, 2024. Mr. Nelson fulfills the qualifications of Region 5 representative.

In the event the Senate does not confirm Mr. Nelson, I appoint and request the Senate to confirm **Klayton Carroll**, 34797 First St., Sidney MT 59270. Mr. Carroll fulfills the qualifications of Region 5 representative, would be filling the vacancy created upon non- confirmation of Mr.Nelson, and would serve through July 31, 2024.

• **Mitch Godfrey**, 949-3660, Townsend MT 59644 who was appointed by former Governor Bullock on February 28, 2020 and whose term expires July 31, 2022. Mr. Nelson fulfills the qualifications of Region 2 representative.

In the event the Senate does not confirm Mr. Godfrey, I appoint and request the Senate to confirm **Brett Cusker**, 836 Hyalite View Dr., Bozeman, MT 59718. Mr. Cusker fulfills the qualifications of Region 2 representative, would be filling the vacancy created upon non-confirmation of Mr. Godfrey, and would serve through July 31, 2022.

• **Paul Little Light**, 1025 Rangeview Drive, Hardin MT 59022 who was appointed by former Governor Bullock on February 28, 2020 and whose term expires July 31, 2023. Mr. Little Light fulfills the qualifications of an honorably discharged tribal member.

In the event the Senate does not confirm Mr. Little Light, I appoint and request the Senate to confirm **Ryan Luchau**, 6035 Shawn Drive, Helena MT 59602. Mr. Luchau fulfills the qualifications of a member with experience related to veterans' issues, would be filling the vacancy created upon non-confirmation of Mr. Little Light and would serve through August 1, 2023.

• **Gary Swartz**, Missoula MT 59808, who was appointed by former Governor Bullock on February 28, 2020 and whose term expires July 31, 2023. Mr. Swartz fulfills the qualifications of a member with experience related to veterans' issues.

In the event the Senate does not confirm Mr. Swartz, I appoint and request the Senate to confirm **Barb Skelton**, 7256 Hwy 3, Billings MT 59106, 6035 Shawn Drive, Helena MT 59602. Ms. Skelton fulfills the qualifications of a member with experience related to veterans' issues, would be filling the vacancy created upon non-confirmation of Mr. Swartz and would serve through July 1, 2023.

• **Brenda York**, 20 Robins Nest Lane, Belgrade MT 59714, who was appointed by former Governor Bullock on February 28, 2020 and whose term expires July 31, 2022. Ms. York fulfills the qualifications of a member with experience related to veterans' issues.

In the event the Senate does not confirm Ms. York, I appoint and request the Senate to confirm **Dean Rehbein**, 2002 Diamond Lil Cluster, Missoula MT 59808. Mr. Rehbein fulfills the qualifications of a member with experience related to veterans' issues, would be filling the vacancy created upon non-confirmation of Ms. York and would serve through July 31, 2022.

Facility Finance Authority
MCA § 2-15-1815

I have appointed the following persons to the Facility Finance Authority:

• **Mel Reinhardt**, 733 Highland Park Drive, Billings, MT 59102, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr.Reinhardt fulfills the qualifications as a member and replaces Jan Bastian whose term expired January 3, 2021.

• **Jade Goroski**, PO Box 1065, Shelby MT 59474, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Goroski fulfills the qualifications

as a member and replaces James Kearns whose term expired January 3, 2021.

• **John Iverson**, 1437 Helena Ave, Helena MT 59601, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Iverson fulfills the qualifications as a member and replaces Larry Putnam whose term expired January 3, 2021.

• **Vu Pham**, 3012 N 27th Ave, Billings MT 59101, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Pham fulfills the qualifications of attorney and replaces John Rogers whose term expired January 3, 2021.

Public Employees Retirement System Board
MCA § 2-15-1009

I have appointed the following person to the Public Employees Retirement System Board:

• **Richard Hickel**, 144 Greenbriar Drive, Kalispell, MT 59901, has been appointed to serve a term commencing April 1, 2021 and ending March 31, 2025. Mr.Hickel fulfills the qualifications of a public member and replaces Dave Severson whose term will expire March 31, 2021.

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16- 506 during the recess of the legislature:

• **Terri Hogan**, PO Box 765, Helena MT 59624, who was appointed by former Governor Bullock on February 28, 2020 and whose term expires March 31, 2022. Ms. Hogan fulfills the qualifications of a public employee who is an active member of a public retirement system who is a member of the defined contribution plan.

In the event the Senate does not confirm Ms. Hogan, I appoint and request the Senate to confirm **Sonja Woods**, 16 S. Stacy Ave., Miles City MT. Ms. Woods fulfills the qualifications of a public employee who is an active member of a public retirement system who is a member of the defined contribution plan. Ms. Woods would be filling the vacancy created upon non-confirmation of Ms. Hogan and would serve through March 31, 2022.

• **Aaron Pratt**, 830 Floweree St., Helena MT 59601, who was appointed by former Governor Bullock on February 28, 2020 and whose term expires March 31, 2024. Mr. Pratt fulfills the qualifications of a public employee who is an active member of a public retirement system.

In the event the Senate does not confirm Mr. Pratt, I appoint and request the Senate to confirm **Jason Strouf**, 1010 Main Street, Ste. 22, Miles City, MT 59301. Mr. Strauf fulfills the qualifications of a public employee who is an active member of a public retirement system, would be filling the vacancy created upon non-confirmation of Mr. Pratt and would serve through March 31, 2024.

• **Dustin Lerette**, 609 Hagan Road, Helena MT 59602, who was appointed by former Governor Bullock on November 13, 2020 and whose term expires March 31, 2025. Mr. Lerette fulfills the qualifications of a public employee who is an active member of a public retirement system.

In the event the Senate does not confirm Mr. Lerette, I appoint and request the Senate to confirm **Terry Halpin**, PO Box 35030, Billings MT 59107. Ms. Halpin fulfills the qualifications of a public employee who is an active member of a public retirement system, would be filling the vacancy created upon non-confirmation of Mr. Lerette and would serve through March 31, 2025.

State Lottery Commission
MCA § 23-7-201

I have appointed the following persons to the State Lottery Commission:

• **Steve Morris**, 507 Geddis, Helena MT 59601 has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Morris fulfills the qualifications of a public member and replaces Wilbur Rehmann whose term expired January 3, 2021.

• **Steve Lavin**, PO Box 11241, Kalispell MT 59904 has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Lavin fulfills the qualifications of five years experience as a law enforcement officer and replaces Jessica Kynet whose term expired January 3, 2021.

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16- 506 during the recess of the legislature:

• **John Tarr**, PO Box 6391, Helena MT 59604, who was appointed by former Governor Bullock on July 3, 2019 and whose term expires January 1, 2022. Mr. Tarr fulfills the qualifications of a public member.

In the event the Senate does not confirm Mr. Tarr, I appoint and request the Senate to confirm **Dwaine Iverson**, 301 First Street S, Shelby MT 59474. Mr. Iverson fulfills the qualifications of a public member, would be filling the vacancy created upon non- confirmation of Mr. Tarr, and would serve through January 1, 2022.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

January 14, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301 and -302, I submit to you and the Montana Senate the following board appointments for confirmation.

I have appointed the following persons to the State Banking Board:

State Banking Board
MCA § 2-15-1025

- **Loren Brown**, 8395 Applegate Drive, Helena MT 59602 has been appointed to serve a term commencing on July 1, 2021 and ending June 30, 2024. Mr. Brown fulfills the qualification as an active state bank member and replaces Kay Clevidence whose term expires June 30, 2021.

- **Sarah Converse**, 221 16th Avenue South, Great Falls, MT 59405 has been appointed to serve a term commencing on July 1, 2021 and ending June 30, 2024. Ms. Converse fulfills the qualification as a public member and replaces Dave Madison.

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **Thomas Swenson**, 201 University Avenue, Missoula MT 59801, whose term expires June 30, 2023. Mr. Swenson fulfills the requirements as a state bank member. I support the confirmation of Mr. Swenson.

- **Bill Davies**, Billings, 2335 Crimson Lane, Billings MT 59106, whose term expires June 30, 2022. Mr. Davies fulfills the requirements of a national bank member. I support the confirmation of Mr. Davies.

• **Jennifer McGinnis**, 2101 Dearborn Ave, Missoula MT 59801, whose term expires June 30, 2022. Ms. McGinnis fulfills the qualifications of a public member.

In the event the Senate does not confirm Ms. McGinnis, I appoint and request the Senate to confirm **Kevin Davis**, kevin@bigskycommerce.com, Missoula MT 59808, who fulfills the qualifications of a public member, would be filling the vacancy created upon non-confirmation of Ms.McGinnis and would serve through June 30, 2022.

• **Tony Ennenga**, PO Box 989, Miles City, MT 59019, whose term expires, July 1, 2023.

In the event the Senate does not confirm Mr. Ennenga, I appoint and request the Senate to confirm **Sherry Essman**, 3130 McMasters Rd, Billings MT 59106, who fulfills the qualifications of a public member, would be filling the vacancy created upon non-confirmation of Mr. Ennenga and would serve through June 30, 2023.

Board of Horseracing
MCA § 2-15-1809

I have appointed the following persons to the Board of Horseracing:

• **Jody Smith**, 67 Hutchison Lane, Miles City, MT 59301, has been reappointed to serve a term commencing January 4, 2021 and ending January 1, 2024. Mr. Smith fulfills the qualifications of District 1 member.

• **John Hayes**, PO Box 6807, Great Falls, MT 59406, has been reappointed to serve a term commencing January 4, 2021 and ending January 1, 2024. Mr. Hayes fulfills the qualifications of District 3 member.

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

• **Barry Stang**, 501 N. Sanders, Helena MT 59601, whose term expires January 1, 2023. Mr. Stang fulfills the qualifications as District 4 member. I support the confirmation of Mr. Stang.

• **Ralph Young**, 390 Rapelje Road, Columbus MT 59019, whose term expires January 1, 2023. Mr. Young fulfills the qualifications as a member of the horseracing industry. I support the confirmation of Mr. Young.

Board of Housing
MCA § 2-15-1814

I have appointed the following persons to the Board of Housing:

• **Adam Hertz**, 10414 Royal Coachman Drive, Missoula MT 59808 has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Hertz fulfills the requirements as a member and replaces Johnnie McCluskey.

• **Cari Ytturi**, 437 Park Garden Rd, Great Falls, MT 59404 has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Ms. Ytturi fulfills the requirements as a member and replaces Eric Schindler.

• **Charles Robison**, 622 Harrison Avenue, Helena MT 59601, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Robison fulfills the requirements as an attorney and replaces Patrick Melby.

• **Bruce Posey**, 2715 Riveroaks Drive, Billings MT 59105, has been appointed to serve a term commencing January 4, 2021 ending January 5, 2025. Mr. Posey fulfills the requirements as a member and replaces Amber Sunsted.

Board of Personnel Appeals
MCA § 2-15-1705

I have appointed the following persons to the Board of Personnel Appeals:

• **Jenny Springer**, 617 N 9th Street, Livingston MT 59047, has been reappointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Ms. Springer fulfills the qualifications of representation of management in collective bargaining.

• **Clint Penny**, PO Box 1286, Butte MT 59635, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Penny fulfills the Union employee requirement and replaces Quinton Nyman.

• **Stacey Yates**, Colstrip, MT 59323 has been appointed to serve a term commencing January 4 and ending January 5, 2025. Mr. Yates fulfills the Union employee requirement and replaces James Soumas.

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following person who was appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

• **Anne MacIntyre**, 2950 Spokane Creek Road, East Helena MT 59635 was appointed on January 17, 2020. Ms. MacIntyre fulfills the qualifications of general labor-management experience.

In the event the Senate does not confirm Ms. MacIntyre, I appoint and request the Senate to confirm **Brian Hopkins**, 3204 Jasper Road, Great Falls MT 59404, who fulfills the qualifications of attorney and general labor-management experience, would be filling the vacancy created upon the non-confirmation of Ms.MacIntyre and would serve through July 1, 2023.

Commission for Human Rights
MCA § 2-15-1706

I have appointed the following persons to the Commission for Human Rights:

• **Deb Broadbent**, 202 Main Street, Kalispell MT 59903, has been appointed to serve a term commencing January 25, 2021 and ending January 5, 2025. Ms. Broadbent fulfills the qualification of public representative and replaces Mike Murray.

• **Curtis Almy**, 28 N Montana Ave, Miles City, MT 59301, has been appointed to serve a term commencing January 25, 2021 and ending January 5, 2025. Mr. Almy fulfills the qualifications of a public member and replaces Stephanie Baucus.

• **Peter Damrow**, 175 North 27th St. Ste. 101, Billings MT 59106, has been appointed to serve a term commencing January 25, 2021 and ending January 5, 2025. Mr. Damrow fulfills the attorney requirement and replaces Tim Tatarka.

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following person who was appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

• **Margaret Campbell**, 212 Tiber Drive, Havre MT 59501 who was appointed September 20, 2019.

In the event the Senate does not confirm Ms. Campbell, I appoint and request the Senate to confirm **Richard Bartos**, 1121 Choteau, Helena MT 59601. Mr. Bartos fulfills the qualifications of the public member, would be filling the vacancy created upon the non-confirmation of Ms. Campbell and would serve through January 1, 2023.

State Compensation Insurance Fund Board of Directors (State Fund)
MCA § 2-15-1019

I have appointed the following persons to the State Fund:

• **Richard Miltenberger**, 218 Lump Gulch Road, Clancy MT, 59634 to serve a term commencing April 1, 2021 and ending March 31, 2025. Mr. Miltenberger fulfills the requirement for an insurance executive with management experience and replaces Cliff Larsen.

• **Michael Marsh**, Po Box 20151, Billings MT 59104 to serve a term commencing April 1, 2021 and ending March 31, 2025. Mr. Marsh fulfills the qualifications of a licensed insurance producer and replaces Lance Zanto.

• **John Maxness**, 2430 Airport Road, Helena MT 59601 to serve a term commencing April 1, 2021 and ending March 31, 2025. Mr. Maxness fulfills the qualifications of a private enterprise policy holder and replaces Jim Molloy.

• **Karen Fagg**, 3053 Thousand Oaks, Billings MT 59102 to serve a term commencing April 1, 2021 and ending March 31, 2025. Ms. Fagg fulfills the qualifications of the public representative and replaces Lynda Moss.

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following person who was appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

• **Matthew Mohr**, 4207 Brenden St, Bozeman, MT 59718, who was appointed on September 13, 2019 and whose term expires on March 31, 2023. Mr. Mohr fulfills the qualifications of a policy holder.

In the event the Senate does not confirm Mr. Mohr, I appoint and request the Senate to confirm **Curt Laingel**, 7810 Scandia Road, Shepherd MT 59079. Mr. Laingel fulfills the qualifications of a policy holder in private enterprise, would be filling the vacancy created upon the non-confirmation of Mr. Mohr and would serve through March 31, 2023.

Unemployment Insurance Appeals Board
MCA § 2-15-1709

I have appointed the following positions to the Unemployment Insurance Appeals Board:

• **Laura Fix**, 2445 York Road, Helena MT 59602 to serve a term commencing January 4, 2021 and ending January 5, 2025. Ms. Fix fulfills the qualifications of a private sector business and replaces Brian Boland.

• **Ruthanne Hansen**, 1810 Winne, Helena MT 59601 to serve a term commencing January 4, 2021 and ending January 5, 2025. Ms. Hansen fulfills the substitute public member requirement and replaces Sara Novak.

• **Chris Gallus**, 1423 East Otter Road, Helena MT 59602, to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Gallus fulfills the attorney and public member requirement and replaces Bob Murdo.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

January 14, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301 and -302, I submit to you and the Montana Senate the following board appointments for confirmation.

Board of Public Accountants
MCA § 2-15-1756

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **Ranetta Jones**, Billings. I support the confirmation of Ms. Jones.
- **Cindy Willis**, Lake. I support the confirmation of Ms. Willis.

Board of Architects and Landscape Architects
MCA § 2-15-1761

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following person who was appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **Bayliss Ward**, Bozeman. I support the confirmation of Mr. Ward.

Board of Barbers and Cosmetologists
MCA § 2-15-1747

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **Bryan Kirkland**, Bozeman. I support the confirmation of Mr. Kirkland.
- **Barbara Jenkins**, Kalispell. I support the confirmation of Ms. Jenkins.
- **Lauren Hansen**, Missoula. I support the confirmation of Ms. Hansen.

State Electrical Board
MCA § 2-15-1764

As required by MCA § 5-5-301-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **Rick Hutchinson**, Black Eagle. Mr. Hutchinson fulfills the Master licensed electrical contractor requirement. I support the confirmation of Mr. Hutchinson.

- **Scott Wilson**, Great Falls, whose term expires July 1, 2025.

In the event that Mr. Wilson is not confirmed by the Senate, I appoint and request that the Senate confirm, **Derrick Hedalen**, 391 Stagecoach Lane, Townsend MT 59644, who fulfills the qualifications as a licensed electrician. Mr. Hedalen would be filling the vacancy created upon non-confirmation of Mr. Wilson and would serve through July 1, 2025.

Board of Professional Engineers and Surveyors
MCA § 2-15-1763

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **Raymond Gross**, Dillon. I support the confirmation of Mr. Gross.
- **Ruhul Amin**, Bozeman. I support the confirmation of Mr. Amin.
- **Thomas Pankratz**, Clancy. I support the confirmation of Mr. Pankratz.
- **Deb Poteet**, Missoula. I support the confirmation of Ms. Poteet.

Board of Funeral Services
MCA § 2-15-1743

I have appointed the following persons to the Board of Funeral Services:

- **Ralph Mihfeld**, 601 West Main,Lewistown MT 59457, who has been appointed to a term of service commencing July 1, 2021 and ending June 30, 2025. Mr. Mihfeld fulfills the requirements of Crematory Operator and replaces Michael Thompson.

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following person who was appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **Tyson Moore**, 711 Marshall Street, Missoula MT 59801, whose term expires July 1, 2024. Mr. Moore fulfills the requirements of a licensed mortician. I support the confirmation of Mr. Moore.

Board of Plumbers
MCA § 2-15-1765

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **Denver Fraser**, Clancy. I support the confirmation of Mr. Fraser.
- **Brandon Shaw**, Butte. I support the confirmation of Mr Shaw.
- **Mykal Jorgenson**, Billings. I support the confirmation of Mr. Jorgenson.
- **Scott Lemert**, Livingston. I support the confirmation of Mr. Lemert.
- **Jeffrey Gruizenga**, Billings. I support the confirmation of Mr. Gruizenga.
- **Steve Roll**, Forsyth. I support the confirmation of Mr. Roll.
- **Trudi Schmidt**, Great Falls. I support the confirmation of Ms. Schmidt.
- **Craig Gilchrist**, Glasgow. I support the confirmation of Mr. Gilchrist.

Board of Private Security
MCA § 2-15-1781

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **Darren Bayliss**, Billings. I support the confirmation of Mr. Bayliss.
- **Dirk Bauwens**, Billings. I support the confirmation of Mr. Bauwens.
- **Charles Pesola**, Somers. I support the confirmation of Mr. Pesola.

Board of Real Estate Appraisers
MCA § 2-15-1758

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **Peter Fontana**, Great Falls. I support the confirmation of Mr. Fontana.
- **George Luther**, Miles City. I support the confirmation of Mr. Luther.
- **Julie Forbes**, Jefferson City. I support the confirmation of Ms. Forbes.
- **Gregory Thornquist**, Helena. I support the confirmation of Mr. Thornquist.
- **Myles Link**, Missoula. I support the confirmation of Mr. Link.

Board of Realty Regulation
MCA § 2-15-1757

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following persons who were appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- **Kevin Wetherell**, Seeley Lake. I support the confirmation of Mr. Wetherell.
- **Eric Ossorio**, Big Sky. I support the confirmation of Mr. Ossorio.
- **Dan Wagner**, Billings. I support the confirmation of Mr. Wagner.
- **Julie Gardner**, Missoula. I support the confirmation of Ms. Gardner.
- **Josh Peck**, Butte. I support the confirmation of Mr. Peck.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

January 14, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301 and -302, I submit to you and the Montana Senate the following board appointments for confirmation.

Board of Pardons and Parole
MCA § 2-15-2305

I have appointed the following person to the Board of Pardons and Parole:

• **Steve Hurd**, 607 Roundhouse Dr., Laurel, MT 59044, has been reappointed to serve a term commencing January 4, 2021 and ending January 1, 2027. Mr. Hurd fulfills the qualifications of criminal justice requirements and replaces Renee Bauer whose term expired January 1,.2021.

Public Safety Officer Standards and Training Council
MCA §§ 2-15-2029; 44-4-402

I have appointed the following persons to the Public Safety Officer Standards and Training Council:

• **Leo Dutton**, 406 Fuller Ave, Helena MT 59601, has been reappointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Dutton fulfills the qualifications of the Board of Crime Control representative.

• **Connor Smith**, 2550 Prospect Ave, Helena MT 59601, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Smith fulfills the qualifications of a state government law enforcement representative and replaces John Strandell whose term ended January 3, 2021.

• **Bill Smith**, 920 S Main St., Ste. 101, Kalispell MT 59901, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Smith fulfills the qualifications of a detention center administrator or detention officer and replaces Jason Jarrett whose term ended January 3, 2021.

• **Jesse Slaughter**, 3800 Ulm North Frontage Rd, Great Falls MT 59404, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Slaughter fulfills the qualifications of a sheriff and replaces Tony Harbaugh whose term ended January 3, 2021.

• **Jim Thomas**, PO Box 503, Canyon Creek, MT 59633, has been reappointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Thomas fulfills the qualifications of a public member informed and experienced in law enforcement.

• **Kimberly Burdick**, 914 River Street, Ft. Benton, MT 59422, has been reappointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Ms. Burdick fulfills the qualifications of a public member informed and experienced in law enforcement.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

January 14, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301 and -302, I submit to you and the Montana Senate the following board appointments for confirmation.

Coal Board
MCA § 2-15-1821

I have appointed the following persons to the Montana Coal Board:

- **Hal Fuglevand**, 4242 Huckleberry Lane S., Billings MT 59106, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Fuglevand fulfills the qualifications of District 2 in an impact area and replaces John Williams whose term expired January 3, 2021.

- **Catherine Laughner**, PO Box 161501, Big Sky MT 59716, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Ms. Laughner fulfills the qualifications of District 1 and attorney and replaces Amber Henning whose term expired January 3, 2021.

- **Pat Lorello**, 120 Antelope Ridge Road, Belgrade, MT 59714 has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Lorello fulfills the qualifications of District 1, engineering and replaces Sean Smith whose term expired January 3, 2021.

- **Jon Wells**, Route 1, Box 1201, Hardin MT 59034, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Wells fulfills the qualifications of District 2, impact area and business and replaces Sidney Fitzpatrick whose term expired January 3, 2021.

Hard- Rock Mining Impact Board of
MCA § 2-15-1822

I have appointed the following persons to the Hard-Rock Mining Impact Board:

• **Jerry Bennett**, 784 Taylor Road, Libby MT 59923, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Bennett fulfills the qualifications of elected county commissioner, resides in District 1 and replaces Jane Weber whose term expires on January 22, 2021 when she resigns as Cascade County Commissioner.

• **Mark Thompson**, 406-496-3211, Butte MT 59701, has been reappointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Thompson fulfills the qualifications of mining representative, impact area and District 1.

• **Ray Sheldon**, PO Box 155, Huntley, MT 59037, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Sheldon fulfills the qualifications of a public member and District 2, and replaces John Rogers whose term expired January 3, 2021.

• **Clint Rech**, 32 Central Ave. N, Harlowton, MT 59036, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Rech fulfills the qualifications of a representative of a financial institution located in District 2 and replaces Keith Kelly whose term expired January 3, 2021.

Pacific Northwest Electric Power and Conservation Planning Council
MCA § 90-4-402

I have appointed the following persons to the Pacific Northwest Electric Power and Conservation Planning Council:

• **Doug Grob**, 210 Drake Drive, Kalispell MT 59901, has been appointed to serve a term commencing January 3, 2021 and ending January 5, 2025. Mr. Grob fulfills the qualifications of a member and resides in a county served by an electrical cooperative that receives at least one-third of its power supply from Bonneville Power Administration. Mr. Grob replaces Bo Downen whose term expired January 3, 2021.

• **Mike Milburn**, mmilburn@mcn.net, Cascade MT, has been appointed to serve a term commencing January 3, 2021 and ending January 5, 2025. Mr. Milburn fulfills the qualifications of a member and replaces Jennifer Anders whose term expired January 3, 2021.

Board of Oil and Gas Conservation
MCA § 2-15-3303

I have appointed the following persons to the Board of Oil and Gas Conservation:

• **Gary "Mac" McDermott**, PO Box 716, Shelby MT 59474, has been reappointed to serve a term commencing January 3, 2021 and ending January 5, 2025. Mr. McDermott fulfills the qualifications of a member of the oil and gas industry.

• **Corey Welter**, PO Box 80232, Billings MT 59108 has been reappointed to serve a term commencing January 3, 2021 and ending January 5, 2025. Mr. Welter fulfills the qualifications of a member of the oil and gas industry.

• **Jeff Wivholm**, 225 Flandrem Road, Medicine Lake MT 59247, has been appointed to serve a term commencing January 3, 2021 and ending January 5, 2025. Mr. Wivholm fulfills the qualifications of a landowner with minerals and replaces Dennis Trudell whose term expired January 3, 2021.

• **Roy Brown**, 1810 Poly Drive, Billings MT 59102, has been appointed to serve a term commencing January 3, 2021 and ending January 5, 2025. Mr. Brown fulfills the qualifications of a public member and replaces Linda Nelson whose term expired January 3, 2021.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/14/2021

HB 23, introduced by B. Beard
HB 102, introduced by S. Berglee

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 111, introduced by B. Molnar, L. Brewster, B. Brown, D. Kary, referred to Fish and Game.
SB 112, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

SB 113, introduced by S. Fitzpatrick, referred to State Administration.
SB 114, introduced by J. Ellsworth, referred to Judiciary.
SB 115, introduced by K. Regier, referred to Fish and Game.
SB 116, introduced by D. Ankney, B. Brown, D. Loge, referred to Fish and Game.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 3, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 4, introduced by J. Welborn, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 23, introduced by B. Beard (by request of the Revenue Interim Committee), referred to Taxation.
HB 102, introduced by S. Berglee, D. Skees, W. Galt, J. Hinkle, M. Noland, V. Ricci, B. Tschida, L. Sheldon-Galloway, B. Usher, J. Patelis, S. Vinton, B. Beard, M. Hopkins, J. Trebas, . Duram, J. Fuller, . Knudsen, J. Kassmier, T. Moore, B. Ler, B. Phalen, J. Carlson, L. Brewster, K. Zolnikov, B. Mitchell, P. Fielder, S. Kerns, S. Galloway, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Stromswold, J. Gillette, C. Hinkle, G. Frazer, M. Binkley, R. Marshall, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gross in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 5 - Senator Tempel moved **SB 5** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 48

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 35 - Senator Hoven moved **SB 35** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 47 - Senator Lynch moved **SB 47** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Gross moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 25 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 34 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn.
Total 49

Nays: Vance.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 49 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn.
Total 44

Nays: Esp, Friedel, Howard, McGillvray, Regier K, Smith C.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 66 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Monday, January 18, 2021, the eleventh legislative day. Motion carried.

Senate adjourned at 1:24 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
ELEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 18, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/18/2021

Correctly printed: **SB 5**, **SB 14**, **SB 26**, **SB 27**, **SB 35**, **SB 47**, **SB 58**, **SB 61**, **SB 62**, **SB 70**, **SB 111**, **SB 112**, **SB 113**, **SB 114**, **SB 115**, **SB 116**, **SR 3**, **SR 4**.
Examined by the sponsor and found to be correct: **SR 1**.
Signed by the Secretary of the Senate at 11:45 a.m., January 18, 2021: **SR 1**.
Signed by the President at 11:50 a.m., January 18, 2021: **SR 1**.
Transmitted to the House: **SB 25**, **SB 34**, **SB 49**, **SB 66**.

Senator O'Brien arose on a point of personal privilege and urged Senators to focus on priorities and working together.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 1/15/2021
SB 4, introduced bill, be amended as follows:

1. Title, line 6.
Following: "FORCE;"
Insert: "REQUIRING THE TASK FORCE TO WORK TOWARD IDENTIFYING CAUSES CONTRIBUTING TO MISSING AND MURDERED INDIGENOUS PERSONS;"

2. Page 1, line 26.
Following: "agencies;"
Insert: "(b) work to identify causes that contribute to missing and murdered indigenous persons and make recommendations to federally recognized tribes in the state to reduce cases of missing and murdered indigenous persons;"
Renumber: subsequent subsections

4. Page 2, line 13.
Following: "~~written~~"
Insert: "written"

And, as amended, do pass.

SB 31, do pass.
SB 67, do pass.
SB 68, do pass.
SB 69, do pass.

Without objection, committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 117, introduced by T. Jacobson, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 2, introduced by T. McGillvray, K. Bogner, N. Duram, J. Ellsworth, F. Fleming, T. Gauthier, G. Hertz, S. Hinebauch, D. Howard, D. Kary, B. Keenan, D. Lenz, B. Mercer, B. Molnar, T. Moore, A. Regier, K. Regier, M. Stromswold, K. Zolnikov, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 65 - Majority Leader C. Smith moved consideration of **SB 65** be placed at the bottom of the second reading board for the purpose of amendment. Without objection, so ordered.

SB 21 - Senator McClafferty moved **SB 21** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 23 - Senator Salomon moved **SB 23** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 24 - Senator Salomon moved **SB 24** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 1 - Senator Kary moved **SB 1** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 1 - Senator Osmundson moved **HB 1** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Jacobson, Kary, Lynch, McClafferty, McNally, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn.
Total 36

Nays: Brown, Esp, Friedel, Glimm, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, McGillvray, Molnar, Regier K, Tempel.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 65 - Senator Fitzpatrick moved **SB 65** do pass.

SB 65 - Senator Molnar moved **SB 65**, second reading copy, be amended as follows:

1. Title, line 7.
Following: "REGULATIONS;"
Insert: "PROVIDING FOR STANDING;"

2. Title, line 8.
Strike: "SECTION"
Insert: "SECTIONS"

3. Title, line 8.
Following: "27-1-719"
Insert: "AND 70-24-303"

4. Page 1, line 20.
Strike: "8"
Insert: "9"

5. Page 1, line 25.
Strike: "8"
Insert: "9"

6. Page 2, line 7.
Strike: "8"
Insert: "9"

7. Page 3, line 18.
Strike: "8"
Insert: "9"

8. Page 3.
Following: line 22
Insert: "NEW SECTION. Section 3. Standing. (1) A civil action in accordance with [sections 1 through 9] may be initiated only by a person who:
(a) demonstrates concrete adverseness and individual harm;
(b) subject to subsection (2), provides evidence of exposure or potential exposure to covid-19 or another communicable disease on a date and at a time and place certain; and
(c) offers evidence that the person could not take an alternative action to avoid the exposure or potential exposure.
(2) If a person is unable to meet the requirements of subsection (1)(b):
(a) the defendant may move for, and the judge may grant, summary judgment on one or more of the issues raised by the civil action; and
(b) the person bringing the civil action is responsible for all legal fees."
Renumber: subsequent sections

9. Page 9, line 10.
Strike: "3"
Insert: "4"

10. Page 10, line 27.
Strike: "8"
Insert: "9"

11. Page 10, line 28.
Strike: "8"
Insert: "9"

Amendment **failed** as follows:

Yeas: Brown, Cuffe, Ellsworth, Glimm, Keenan, Manzella, Molnar.
Total 7

Nays: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 43

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 65 - Senator Cohenour moved **SB 65**, second reading copy, be amended as follows:

1. Page 11, line 15.
Strike: "January 1, 2031"
Insert: "June 30, 2023"

Amendment **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McGillvray, Molnar, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn.
Total 30

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 65 - Thereupon, the Senate reverted to the original motion of Senator Fitzpatrick which passed as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Morigeau, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 38

Nays: Bennett, Boland, Cohenour, Ellis, Fox, Gross, Manzella, Molnar, O'Brien, Pomnichowski, Pope, Sands.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.

Total 49

Nays: Molnar.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved the Senate suspend rule S50-190 for the purpose of placing **SB 65** on third reading this date. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 5 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven,

Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 48

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 35 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 47 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 65 passed as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Morigeau, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn.
Total 37

Nays: Bennett, Boland, Cohenour, Ellis, Fox, Gross, Manzella, Molnar, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for this week:

Marcus Evans from Helena, sponsored by Senator Vance
Zachary Evans from Helena, sponsored by Senator Vance
Bauer Seewald from Cut Bank, sponsored by Senator Tempel
Brant Seewald from Cut Bank, sponsored by Senator Tempel

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, January 19, 2021, the twelfth legislative day. Motion carried.

Senate adjourned at 2:26 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
TWELFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 19, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Ankney excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/19/2021

Correctly printed: **SB 1**, **SB 21**, **SB 23**, **SB 24**, **SB 31**, **SB 65**, **SB 67**, **SB 68**, **SB 69**, **SB 117**, **SJ 2**, **HB 1**.
Correctly engrossed: **SB 4**.
Transmitted to the House: **SB 5**, **SB 35**, **SB 47**, **SB 65**.
Delivered to the Secretary of State at 8:24 a.m., January 19, 2021: **SR 1**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/19/2021
SB 90, introduced bill, be amended as follows:

1. Page 1, line 18 through line 19.
Strike: "as" on line 18 through "certification" on line 19
Insert: "or certification"
And, as amended, do pass.

SB 97, do pass.
SB 102, do pass.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/18/2021
SB 42, do pass.
SB 72, do pass.

JUDICIARY (Regier, Chair): 1/19/2021
SB 17, do pass.
SB 39, introduced bill, be amended as follows:

1. Title, line 6 through line 7.
Strike: "ESTABLISHING" on line 6 through "CREDENTIAL" on line 7
Insert: "PROVIDING THAT THE BOARD OF BEHAVIORAL HEALTH AND CERTAIN OTHER BOARDS JOINTLY ESTABLISH AND MAINTAIN STANDARDS AND GUIDELINES FOR

EVIDENCE-BASED ASSESSMENT, EVALUATION, TREATMENT, AND BEHAVIORAL MONITORING OF SEXUAL OFFENDERS; PROVIDING FOR A LICENSE ENDORSEMENT FOR"

2. Title, line 8.
Strike: "OR PROVIDE TREATMENT TO"
Insert: "OF"

3. Title, line 9 through line 10.
Strike: "AMENDING" on line 9 through "INSTRUCTIONS;" on line 10
Insert: "PROVIDING RULEMAKING AUTHORITY;"

4. Title, line 11.
Strike: "EFFECTIVE DATES"
Insert: "A DELAYED EFFECTIVE DATE"

5. Page 1, line 15 through page 3, line 5.
Strike: sections 1 through 3 in their entirety
Insert: "NEW SECTION. **Section 1. Definition -- joint duties of boards -- sexual offender evaluator license endorsement -- rulemaking.** (1) As used in this section, “boards” means the following boards jointly:

(a) board of behavioral health as established in 2-15-1744;
(b) board of medical examiners as established in 2-15-1731;
(c) board of nursing as established in 2-15-1734;
(d) board of psychologists as established in 2-15-1741; and
(e) board of social work examiners and professional counselors.

(2) The boards shall:

(a) jointly establish, develop rules, and maintain standards, consistent with appropriate national standards for evaluation and treatment of sexual offenders, and guidelines for evidence-based assessment, evaluation, treatment, and behavioral monitoring of sexual offenders, including the transition into community-based treatment from a prison setting;

(b) require sexual offender evaluators to use the following levels of risk designations for a sexual offender:

(i) level 1, the risk of a repeat sexual offense is low;
(ii) level 2, the risk of a repeat sexual offense is moderate; or
(iii) level 3, the risk of a repeat sexual offense is high, there is a threat to public safety, and the sexual offender evaluator believes that the offender is a sexually violent predator; and

(c) set and enforce educational and experiential requirements for licensees of each of the boards to obtain a license endorsement as a sexual offender evaluator. A person may not perform sexual offender evaluations for purposes of this section without first obtaining a license endorsement."
Renumber: subsequent sections

6. Page 3, line 27.
Strike: "[section 3]"

Insert: "[section 1]"

7. Page 4, line 3 through line 4.
Strike: "a credential" on line 3 through "providers" on line 4
Insert: "a license endorsement as provided for in [section 1]"

8. Page 4, line 19.
Following: "nurse,"
Insert: "licensed clinical social worker, licensed clinical professional counselor, licensed marriage and family therapist,"

9. Page 5, line 24.
Strike: "credential issued by the board of sexual offender evaluators and treatment providers"
Insert: "license endorsement as provided for in [section 1]"

10. Page 7, line 1 through line 2.
Strike: "has" on line 1 through "providers" on line 2
Insert: "has a license endorsement as provided for in [section 1]"

11. Page 7, line 15 through line 21.
Strike: section 6 in its entirety
Renumber: subsequent sections

12. Page 7, line 23 through line 27.
Following: "**instruction.**" on line 23
Strike: remainder of line 23 through line 27 in their entirety
Insert: "[Section 1] is intended to be codified as an integral part of Title 37, chapter 1, part 1, and the provisions of Title 37, chapter 1, part 1, apply to [section 1]."

13. Page 8, line 1.
Strike: "**dates**"
Insert: "**date**"

14. Page 8, line 1.
Strike: "(1) Except as provided in subsection (2), [this act]"
Insert: "[This act]"

15. Page 8, line 2.
Strike: "on passage and approval"
Insert: "January 1, 2022"

16. Page 8, line 3.
Strike: "(2) [Sections 4 and 5] are effective January 1, 2022."

And, as amended, do pass.

NATURAL RESOURCES (Welborn, Chair): 1/18/2021
SB 55, do pass.

TAXATION (Hoven, Chair): 1/19/2021
SB 11, do pass.
SB 41, do pass.
SB 45, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/18/2021

HB 28, introduced by F. Fleming
HB 29, introduced by J. Trebas
HB 58, introduced by J. Karjala
HB 81, introduced by J. Hamilton
HB 88, introduced by M. Bertoglio

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 118, introduced by T. Gauthier, M. Blasdel, referred to Business, Labor, and Economic Affairs.
SB 119, introduced by J. Esp, referred to Business, Labor, and Economic Affairs.
SB 120, introduced by J. Esp, referred to Legislative Administration.
SB 121, introduced by T. Jacobson, J. Ellsworth, S. Fitzpatrick, referred to Public Health, Welfare and Safety.
SB 122, introduced by K. Regier, referred to Legislative Administration.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 5, introduced by G. Vance, referred to Highways and Transportation.

The following House bills were introduced, read first time, and referred to committees:

HB 28, introduced by F. Fleming (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 29, introduced by J. Trebas (by request of the Department of Military Affairs), referred to State Administration.
HB 58, introduced by J. Karjala (by request of the Department of Administration), referred to State Administration.

HB 81, introduced by J. Hamilton (by request of the Public Employees' Retirement Board), referred to State Administration.
HB 88, introduced by M. Bertoglio (by request of the Teachers' Retirement Board), referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Esp in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 26 - Senator Gillespie moved **SB 26** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 27 - Senator Gillespie moved **SB 27** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 48

Nays: Molnar.
Total 1

Paired: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 58 - Senator Cuffe moved **SB 58** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 70 - Senator Fitzpatrick moved **SB 70** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 14 - Senator Ellis moved **SB 14** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 6 - Senator Cohenour moved **SB 6** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 44

Nays: Glimm, Hinebauch, Manzella, Smith C, Vance.
Total 5

Paired: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 30 - Senator Blasdel moved **SB 30** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Esp moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 1 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 21 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 23 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally,

Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 24 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

HB 1 concurred in as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, McClafferty, McNally, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn.
Total 37

Nays: Brown, Esp, Friedel, Hinebauch, Howard, Keenan, Lang, Manzella, McGillvray, Molnar, Regier K, Tempel.

Total 12

Paired: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 58**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, January 20, 2021, the thirteenth legislative day. Motion carried.

Senate adjourned at 1:39 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senatem

SENATE JOURNAL
67TH LEGISLATURE
THIRTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 20, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/20/2021

Correctly printed: **SB 6**, **SB 11**, **SB 14**, **SB 17**, **SB 26**, **SB 27**, **SB 30**, **SB 41**, **SB 42**, **SB 45**, **SB 55**, **SB 58**, **SB 70**, **SB 72**, **SB 97**, **SB 102**, **SB 118**, **SB 119**, **SB 120**, **SB 121**, **SB 122**, **SR 5**.
Correctly engrossed: **SB 4**, **SB 39**, **SB 90**.
Transmitted to the House: **SB 1**, **SB 21**, **SB 23**, **SB 24**, **HB 1**.

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 1/19/2021
SB 3, do pass.
SB 9, do pass.
SB 74, introduced bill, be amended as follows:

1. Title, line 6.
Following: line 5
Insert: "OR SYSTEM"

2. Page 2, line 1.
Following: "district"
Strike: "with territory"
Following: "county"
Insert: ", except that an elementary district and high school district that compose a school system under 20-6-312 or 20-6-508 are limited to one representative for the school system. Each representative must be designated by the trustees of the respective school district or school system"

And, as amended, do pass.

SB 79, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

January 15, 2021

The Honorable Mark Blasdel
President, Montana Senate
PO Box 200500
Helena, MT 59620-0500

The Honorable Wylie Galt
Speaker, Montana House of Representatives
PO Box 200400
Helena, MT 59620-0400

Dear President Blasdel and Speaker Galt:

As we continue into this new year, we have an opportunity to work together to advance Montana's interests, making our state more competitive and creating greater opportunities for more Montanans.

Montanans are counting on us to get the job done at this critical juncture, particularly after we have faced such a challenging year.

As we reflect on the last year and look forward to the rest of this one, I would like to address Montanans and members of the Senate and House of Representatives about the state of the state. I propose the State of the State Address be scheduled for Thursday, January 28 at 7 p.m.

I look forward to continuing to work closely with you to advance our shared priorities. My door is always open to you and all Montanans.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/19/2021

HB 21, introduced by G. Custer
HB 33, introduced by S. Vinton
HB 68, introduced by M. Bertoglio
HB 83, introduced by J. Dooling
HB 96, introduced by D. Hawk

HB 62, introduced by M. Hopkins, requiring adoption by an affirmative roll call vote of two-thirds of each house, passed the House and was transmitted to the Senate with the following vote:
1/19/2021

Yeas - 99
Nays - 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 123, introduced by K. Regier, referred to Local Government.

The following House bills were introduced, read first time, and referred to committees:

HB 21, introduced by G. Custer, D. Fern (by request of the Local Government Interim Committee), referred to Finance and Claims.
HB 33, introduced by S. Vinton (by request of the Education Interim Committee), referred to Education and Cultural Resources.
HB 62, introduced by M. Hopkins (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 68, introduced by M. Bertoglio (by request of the Education Interim Committee), referred to Education and Cultural Resources.
HB 83, introduced by J. Dooling (by request of the Department of Justice), referred to Highways and Transportation.
HB 96, introduced by D. Hawk (by request of the Department of Labor and Industry), referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Salomon in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 61 - Senator Flowers moved **SB 61** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 49

Nays: Esp.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 62 - Senator Brown moved **SB 62** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 4 - Senator Small moved **SB 4** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn.
Total 47

Nays: Hinebauch, Howard, Vance.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 13 - Senator Cohenour moved **SB 13** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn.
Total 41

Nays: Cuffe, Ellsworth, Esp, Hinebauch, Howard, Kary, Manzella, Regier K, Vance.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 20 - Senator Cohenour moved **SB 20** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 31

Nays: Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Manzella, McGillvray, Molnar, Mr. President, Osmundson, Regier K, Smith C, Vance.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 53 - Senator Welborn moved **SB 53** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 48

Nays: Ellis, Morigeau.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 36 - Senator Hertz moved **SB 36** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Salomon moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 6 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 46

Nays: Glimm, Manzella, Smith C, Vance.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 14 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 26 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 27 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.

Total 49

Nays: Molnar.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 30 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 70 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 11** be taken from the second reading board and returned to the Taxation Committee for additional work. The motion passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved that **SB 110** be taken from the State Administration Committee and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 121** be taken from the Public Health, Welfare, and Safety Committee and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

The President announced that, to facilitate the legislature's work schedule, and in consultation with the leadership of the House of Representatives, the legislature will not meet the next few

Saturdays. A revised calendar will be available once changes are finalized.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, January 21, 2021, the fourteenth legislative day. Motion carried.

Senate adjourned at 1:48 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FOURTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 21, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/21/2021

Correctly printed: **SB 3**, **SB 4**, **SB 9**, **SB 13**, **SB 20**, **SB 36**, **SB 53**, **SB 61**, **SB 62**, **SB 79**, **SB 123**.
Correctly engrossed: **SB 74**.
Transmitted to the House: **SB 6**, **SB 14**, **SB 26**, **SB 27**, **SB 30**, **SB 70**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/21/2021
SB 76, do pass.
SB 101, introduced bill, be amended as follows:

1. Page 2, line 13.
Strike: "and"

2. Page 2.
Following: line 13
Insert: "(e) prohibit the provider from submitting to a health insurance issuer or a contractor or subcontractor of a health insurance issuer a claim for payment for health care services provided to a patient under a direct patient care agreement; and"
Renumber: subsequent subsections

And, as amended, do pass.

SB 112, do pass.
SR 3, be adopted.
HB 41, be concurred in.
HB 79, be concurred in.

JUDICIARY (Regier, Chair): 1/21/2021
SB 114, do pass.

STATE ADMINISTRATION (Kary, Chair): 1/20/2021
SB 56, do pass.
SB 57, introduced bill, be amended as follows:

1. Page 15, line 9 through line 10.
Strike: "17-6-230,"

2. Page 15, line 11.
Following: "published"
Insert: "and publicly available"
Following: "published."
Insert: "Reports required in subsections (2)(a), (2)(bb), (2)(cc), and (3)(b)(viii) must be provided following issuance of reports issued under Title 5, chapter 13."

4. Page 60, line 3.
Strike: "A"
Insert: "Subject to [section 1(6)], a"

And, as amended, do pass.

SB 82, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/20/2021

HB 38, introduced by T. Welch
HB 51, introduced by J. Hamilton
HB 60, introduced by D. Lenz
HB 64, introduced by T. Moore
HB 65, introduced by T. Moore
HB 74, introduced by J. Gillette
HB 77, introduced by R. Fitzgerald
HB 105, introduced by R. Marshall
HB 120, introduced by D. Loge

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 124, introduced by S. Morigeau, referred to Taxation.

SB 125, introduced by M. Cuffe, G. Custer, referred to Highways and Transportation.
SB 126, introduced by K. Regier, referred to Taxation.
SB 127, introduced by C. Friedel, L. Brewster, B. Brown, J. Ellsworth, C. Glimm, G. Hertz, S. Hinebauch, D. Kary, B. Ler, T. Manzella, T. McGillvray, B. Molnar, J. Read, K. Regier, K. Seekins-Crowe, K. Zolnikov, referred to Judiciary.
SB 128, introduced by S. Fitzpatrick, referred to Legislative Administration.
SB 129, introduced by G. Hertz, F. Anderson, D. Bartel, M. Blasdel, E. Buttrey, J. Ellsworth, S. Fitzpatrick, D. Loge, B. Molnar, M. Noland, M. Sweeney, referred to Business, Labor, and Economic Affairs.
SB 130, introduced by T. Manzella, referred to State Administration.
SB 131, introduced by D. Salomon, R. Fitzgerald, W. Sales, referred to Agriculture, Livestock and Irrigation.
SB 132, introduced by K. Regier, referred to Judiciary.

The following Senate bill, previously introduced, was referred to committee:

SB 89, introduced by K. Regier, referred to State Administration.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 6, introduced by B. Hoven, referred to Taxation.
SR 7, introduced by B. Hoven, referred to Taxation.
SR 8, introduced by B. Hoven, referred to Taxation.
SR 9, introduced by G. Vance, referred to Highways and Transportation.
SR 10, introduced by G. Vance, referred to Highways and Transportation.

The following House bills were introduced, read first time, and referred to committees:

HB 38, introduced by T. Welch (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
HB 51, introduced by J. Hamilton (by request of the Revenue Interim Committee), referred to Taxation.
HB 60, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
HB 64, introduced by T. Moore (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 65, introduced by T. Moore (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 74, introduced by J. Gillette (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 77, introduced by R. Fitzgerald (by request of the Department of Transportation), referred to Highways and Transportation.
HB 105, introduced by R. Marshall, M. Hopkins, referred to Judiciary.
HB 120, introduced by D. Loge, B. Brown, R. Fitzgerald, referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Small in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 102 - Senator C. Smith moved consideration of **SB 102** be placed at the bottom of the second reading board. Motion carried.

SB 42 - Senator Boland moved **SB 42** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Howard, Jacobson, Keenan, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber.
Total 34

Nays: Brown, Cuffe, Ellsworth, Esp, Friedel, Glimm, Hinebauch, Hoven, Kary, Lang, Manzella, Molnar, Mr. President, Regier K, Vance, Welborn.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 72 - Senator K. Regier moved **SB 72** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 47

Nays: Bennett, Boldman, Ellis.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 31 - Senator McNally moved **SB 31** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 67 - Senator Fitzpatrick moved **SB 67** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 47

Nays: Ellis, Lynch, Pomnichowski.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 69 - Senator Fitzpatrick moved **SB 69** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 17 - Senator Gross moved **SB 17** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 55 - Senator Cohenour moved **SB 55** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn.
Total 49

Nays: Vance.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 41 - Senator Webber moved **SB 41** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 45 - Senator Blasdel moved **SB 45** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

President Blasdel assumed the chair.

SB 102 - Senator Small moved **SB 102** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 49

Nays: Keenan.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Small moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 4 passed as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Webber, Welborn.
Total 41

Nays: Bogner, Hinebauch, Howard, Kary, Keenan, Lang, Molnar, Tempel, Vance.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 13 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 44

Nays: Howard, Keenan, Manzella, Regier K, Smith C, Vance.

Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 20 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 33

Nays: Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Glimm, Hertz, Howard, Keenan, Manzella, McGillvray, Molnar, Mr. President, Osmundson, Regier K, Smith C, Vance.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 36 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 53 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Mr. President, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn.
Total 42

Nays: Ellis, Fox, Gross, Morigeau, O'Brien, Pomnichowski, Pope, Webber.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 61 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 62 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 72**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Friday, January 22, 2021, the fifteenth legislative day. Motion carried.

Senate adjourned at 2:06 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FIFTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 22, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Ellsworth and Keenan, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/22/2021

Correctly printed: **SB 17**, **SB 31**, **SB 41**, **SB 42**, **SB 45**, **SB 55**, **SB 56**, **SB 67**, **SB 69**, **SB 72**, **SB 76**, **SB 82**, **SB 102**, **SB 112**, **SB 114**, **SB 124**, **SB 125**, **SB 126**, **SB 127**, **SB 128**, **SB 129**, **SB 130**, **SB 131**, **SB 132**, **SR 3**, **SR 6**, **SR 7**, **SR 8**, **SR 9**, **SR 10**, **HB 41**, **HB 79**.
Correctly engrossed: **SB 57**.
Transmitted to the House: **SB 4**, **SB 13**, **SB 20**, **SB 36**, **SB 53**, **SB 61**, **SB 62**.

COMMUNICATIONS AND PETITIONS

President Mark Blasdel
Montana State Senate
State Capitol
Helena, MT 59620

Dear Senator Blasdel:

On behalf of Chief Justice Mike McGrath, I am attaching the appointment notice for the Associate Judge of the Montana Water Court. The appointment is subject to Senate confirmation pursuant to 3-1-1013, MCA.

Judge Stephen R. Brown's appointment notice, certification from the Judicial Nomination Commission, and full application is attached. Judge Brown was the only applicant for the position. Please note Judge Brown was originally appointed to the position mid-term in 2019 and thus, was confirmed by the Senate in 2019. This confirmation is for a full four-year term starting on July 1, 2020.

Judge Brown will be available via Zoom or as needed for a confirmation hearing. On behalf of Chief Justice McGrath, thank you in advance for considering the appointment.

Sincerely,

Beth McLaughlin
Supreme Court Administrator

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 1/21/2021
HB 3, be amended as follows:

1. Page 1, line 28.
Strike: "$800 million"
Insert: "$292.9 million"

2. Page 2, line 4.
Strike: "$24.5 million"
Insert: "$17 million"

3. Page 2, line 6 through line 7.
Strike: line 6 through line 7 in their entirety

4. Page 2, line 8.
Strike: "$200 million"
Insert: "$17 million"

5. Page 2, line 10 through line 11.
Strike: line 10 through line 11 in their entirety

6. Page 2, line 19 through line 22.
Strike: line 19 through line 22 in their entirety

And, as amended, be concurred in.

FISH AND GAME (Hinebauch, Chair): 1/21/2021
HB 45, be concurred in.
HB 48, be concurred in.
HB 54, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 1/21/2021
SB 96, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/21/2021

HB 56, introduced by D. Loge
HB 70, introduced by K. Holmlund

HB 76, introduced by G. Frazer
HB 85, introduced by B. Tschida
HB 111, introduced by J. Fuller
HB 124, introduced by B. Mitchell

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 133, introduced by G. Hertz, B. Beard, M. Blasdel, K. Bogner, J. Ellsworth, D. Fern, S. Fitzpatrick, W. Galt, M. Hopkins, J. Kassmier, R. Knudsen, T. McGillvray, T. Welch, referred to Taxation.
SB 134, introduced by J. Small, D. Ankney, M. Blasdel, G. Custer, J. Ellsworth, W. Galt, C. Knudsen, R. Osmundson, B. Phalen, S. Vinton, referred to Energy and Telecommunications.
SB 135, introduced by S. Fitzpatrick, referred to Local Government.
SB 136, introduced by S. Fitzpatrick, referred to Natural Resources.
SB 137, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 138, introduced by G. Hertz, S. Galloway, M. Hopkins, B. Keenan, C. Knudsen, M. Noland, J. Read, D. Skees, referred to Taxation.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 11, introduced by G. Vance, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 56, introduced by D. Loge (by request of the Department of Transportation), referred to Highways and Transportation.
HB 70, introduced by K. Holmlund (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.
HB 76, introduced by G. Frazer (by request of the Department of Administration), referred to State Administration.
HB 85, introduced by B. Tschida (by request of the Public Service Commission), referred to Energy and Telecommunications.
HB 111, introduced by J. Fuller, referred to Taxation.
HB 124, introduced by B. Mitchell, D. Skees, J. Read, S. Berglee, M. Noland, B. Tschida, S. Gunderson, L. Sheldon-Galloway, J. Trebas, B. Usher, J. Patelis, B. Beard, J. Fuller, J. Kassmier, B. Ler, A. Regier, P. Fielder, S. Kerns, J. Schillinger, M. Stromswold, C. Hinkle, M. Bertoglio, G. Frazer, R. Marshall, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Bennett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 97 - Senator Fitzpatrick moved **SB 97** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 3 - Senator Small moved **SB 3** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 9 - Senator Tempel moved **SB 9** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Brown, Cuffe, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, Lynch, McGillvray, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn.
Total 30

Nays: Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 18

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 74 - Senator Salomon moved **SB 74** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 79 - Senator Kary moved **SB 79** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp,

Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 68 - Senator Fitzpatrick moved **SB 68** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

Senator Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Bennett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven,

Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 17 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 31 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven,

Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 41 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 42 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gillespie, Gross, Howard, Jacobson, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Small, Sweeney, Tempel, Webber.
Total 29

Nays: Brown, Cuffe, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Kary, Lang, Manzella, Molnar, Mr. President, Osmundson, Regier K, Salomon, Smith C, Vance, Welborn.

Total 19

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 45 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 55 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn.
Total 47

Nays: Vance.
Total 1

Paired: None.

Excused: Ellsworth, Keenan.

Total 2

Absent or not voting: None.
Total 0

SB 67 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Manzella, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 44

Nays: Ellis, Lynch, McClafferty, Pomnichowski.
Total 4

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 69 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Manzella, McClafferty, McGillvray, Molnar, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 16

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SB 102 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Ellsworth, Keenan.
Total 2

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Monday, January 25, 2021, the sixteenth legislative day. Motion carried.

Senate adjourned at 1:35 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SIXTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 25, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/25/2021

Correctly printed: **SB 3**, **SB 9**, **SB 68**, **SB 74**, **SB 79**, **SB 96**, **SB 97**, **SB 133**, **SB 134**, **SB 135**, **SB 136**, **SB 137**, **SB 138**, **SR 11**, **HB 45**, **HB 48**, **HB 54**.
Correctly engrossed: **SB 101**, **HB 3**.
Transmitted to the House: **SB 17**, **SB 31**, **SB 41**, **SB 42**, **SB 45**, **SB 55**, **SB 67**, **SB 69**, **SB 102**.

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the coming week:

Sydney Slawter from Bigfork, MT, sponsored by Senator Blasdel
Bryn Snideman from Glendive, MT, sponsored by Senator Hinebauch

MESSAGES FROM THE GOVERNOR

January 25, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301 and -302, I submit to you and the Montana Senate the following board appointments for confirmation:

Board of Unemployment Insurance Appeals
MCA § 2-15-1704

I have appointed the following person to the Unemployment Insurance Appeals Board:

• Jennifer Iverson, 2209 Lockey Ave., Helena, MT 59601, has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Ms. Iverson fulfills the qualifications of a member of the public and replaces Bruce Campbell whose term expires 1/1/2023.

Please include this transmittal as an addendum to the submission sent on January 14, 2021. Mr. Campbell submitted his resignation on the 15th of January.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

January 25, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Section 5-5-302, I submit to you and the Montana Senate the following cabinet appointments for confirmation:

• Department of Public Health and Human Services, Director, Mr. Adam Meier, ameier.law@gmail.com, Fort Thomas, Kentucky 41075, whose appointment is effective February 1, 2021.

• Department of Fish, Wildlife and Parks, Worsech57@gmail.com, Helena, MT 59601, whose appointment is effective January 21, 2021.

I have included the nominees' resumes, biography, or other qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, and Karli Hill, my Engagements Director, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or liane.taylor@mt.gov. Ms. Hill can be reached at extension 4521 or karli.hill@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/22/2021

HB 34, introduced by F. Smith
HB 53, introduced by J. Hamilton
HB 71, introduced by F. Garner
HB 97, introduced by W. McKamey
HB 100, introduced by D. Hayman
HB 108, introduced by D. Loge
HB 133, introduced by F. Anderson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 140, introduced by K. Regier, J. Ellsworth, referred to Judiciary.

The following Senate bill was introduced and read first time:

SB 139, introduced by M. Cuffe.

The following House bills were introduced, read first time, and referred to committees:

HB 34, introduced by F. Smith (by request of the State-Tribal Relations Committee), referred to State Administration.
HB 53, introduced by J. Hamilton (by request of the Department of Revenue), referred to Taxation.
HB 71, introduced by F. Garner (by request of the Commissioner of Political Practices), referred to State Administration.
HB 97, introduced by W. McKamey (by request of the Commissioner of Political Practices), referred to State Administration.
HB 100, introduced by D. Hayman (by request of the Legislative Audit Committee), referred to Education and Cultural Resources.
HB 108, introduced by D. Loge, B. Brown, referred to Fish and Game.
HB 133, introduced by F. Anderson, K. Kelker, W. McKamey, D. Fern, R. Fitzgerald, J. Trebas, D. Bedey, S. Gist, M. Malone, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hertz in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 90 - Senator Small moved **SB 90** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 39 - Senator K. Regier moved **SB 39** do pass.

SB 39 - Senator K. Regier moved **SB 39**, second reading copy, be amended as follows:

1. Page 3, line 17.
Following: "2-15-1734;"
Insert: "and"

2. Page 3, line 18 through line 19.
Following: "2-15-1741"
Strike: "; AND" on line 18 through "COUNSELORS" on line 19

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch,

Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 39 - As amended, **SB 39** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 54 - Senator Ellsworth moved **SB 54** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 57 - Senator Pomnichowski moved **SB 57** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 47

Nays: McGillvray, Smith C, Vance.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 82 - Senator Fitzpatrick moved **SB 82** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 3 - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 3**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Hertz moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 3 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 9 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, McGillvray, Morigeau, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn.
Total 35

Nays: Boland, Cohenour, Ellis, Flowers, Fox, Jacobson, Manzella, McClafferty, McNally, Molnar, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 15

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 68 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 74 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 79 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 97 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, January 26, 2021,

the seventeenth legislative day. Motion carried.

Senate adjourned at 1:41 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SEVENTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 26, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/26/2021
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixth through the tenth legislative days, find the same to be correct.

Correctly printed: **SB 54**, **SB 57**, **SB 82**, **SB 90**, **SB 139**, **SB 140**.
Correctly engrossed: **SB 39**.
Transmitted to the House: **SB 3**, **SB 9**, **SB 68**, **SB 74**, **SB 79**, **SB 97**.

Senator Cohenour requested Senators pay tribute to and give a moment of silence for Alex Betz, Montana Highway Patrol trooper, who died January 16, 2021.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/25/2021
SB 18, do pass.
SB 22, introduced bill, be amended as follows:

1. Title, line 6 through line 9.
Strike: "ESTABLISHING" on line 6 through "PROGRAM;" on line 9
Insert: "CLARIFYING STATE SUPPORT FOR SECONDARY K-12 CAREER AND VOCATIONAL/TECHNICAL EDUCATION AND FOR STATE-LEVEL STRENGTHENING CAREER AND TECHNOLOGY STUDENT ORGANIZATIONS;"

2. Title, line 9.
Strike: "SECTIONS"
Insert: "SECTION"

3. Title, line 9.
Following: "20-7-305"
Strike: "AND 20-7-320"

4. Page 1, line 18.
Strike: ":"

5. Page 1, line 19.
Strike**:** "(a)"

6. Page 1, line 20 through line 22.
Strike: "; and" on line 20 through "education" on line 22

7. Page 2, line 6 through page 3, line 13.
Strike: section 2 in its entirety
Renumber: subsequent sections

And, as amended, do pass.

SB 75, introduced bill, be amended as follows:

1. Title, line 5.
Following: "EMERGENCIES;"
Insert: "ALLOWING INSTRUCTION ON A SATURDAY TO MAKE UP INSTRUCTIONAL TIME LOST DUE TO AN UNFORESEEN EMERGENCY; REDEFINING WHAT CONSTITUTES A REASONABLE EFFORT TO MAKE UP INSTRUCTIONAL TIME LOST DUE TO AN UNFORESEEN EMERGENCY;"

2. Title, line 6.
Following: "20-1-301,"
Insert: "20-1-303, 20-9-802,"

3. Page 1.
Following: line 28
Insert: "**Section 2.** Section 20-1-303, MCA, is amended to read:

"**20-1-303. Conduct of school on Saturday or Sunday prohibited -- exceptions.** (1) Except as provided in subsections (2) and (3), pupil instruction may not be conducted on Saturday or Sunday.

(2) In emergencies, including during reasonable efforts of the trustees to make up aggregate hours of instruction lost during a declaration of emergency by the trustees under 20-9-806, pupil instruction may be conducted on a Saturday when it is approved by the trustees of the school district ~~in accordance with the policies adopted by the board of public education~~.

(3) Pupil instruction may also be held on a Saturday at the discretion of a school district for the purpose of providing additional pupil instruction beyond the minimum aggregate hours of instruction required in 20-1-301, provided that~~:~~

~~(a) Saturday school is not a pupil-instruction day and does not count toward minimum aggregate hours of pupil instruction provided for in20-1-301; and~~

~~(b)~~ student attendance is voluntary.""

Insert: "**Section 3.** Section 20-9-802, MCA, is amended to read:

"**20-9-802. Definitions.** As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Declaration of emergency" means a declaration by a board of trustees that an

unforeseen emergency has occurred in the district.

(2) "Reasonable effort" means the rescheduling or extension of the school district's instructional calendar ~~in an effort to attain the minimum aggregate hours required by law by~~ to make up at least 75% of the hours of pupil instruction lost due to an unforeseen emergency through any combination of the following:

(a) extending the school year ~~12 hours for 1st through 3rd grades and 18 hours for 4th through 12th grades or the equivalent aggregate hours of pupil instruction~~ beyond the last scheduled day; ~~or~~

(b) the use of scheduled vacation days in the district's adopted school calendar pursuant to 20-1-302;

(c) the conduct of pupil instruction on Saturdays as provided in 20-1-303; or

(d) extending instructional hours during the school day as provided in 20-1-302.

(3) "School day" means the school day set by the trustees as provided in 20-1-302.

(4) "Unforeseen emergency" means a fire, flood, explosion, storm, earthquake, riot, insurrection, community disaster, or act of God or a combination of the foregoing that acts as a principal cause for a school district's inability to conduct ~~1 or more scheduled school days~~ a portion of the minimum aggregate hours of instruction required by 20-1-301.""

Renumber: subsequent sections

4. Page 2, line 19.
Strike: "3 school days or the equivalent aggregate hours"
Insert: "75% of the pupil-instruction time lost due to the unforeseen emergency"

And, as amended, do pass.

JUDICIARY (Regier, Chair): 1/26/2021
SB 104, do pass.
HB 102, be amended as follows:

1. Page 2, line 27.
Following: "facility"
Insert: "or secure area of a law enforcement facility"

And, as amended, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 1/25/2021
SB 40, do pass.
SB 63, do pass.
SR 4, be adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 1/25/2021
SB 33, do pass.
SB 43, do pass.
SB 108, introduced bill, be amended as follows:

1. Page 4, line 24.
Following: "~~(k)~~(i)"
Insert: "with the approval of a majority of the local governing body and"

2. Page 8, line 16.
Strike: "(1)(k)"
Insert: "(1)(i)"

3. Page 8, line 20.
Strike: "(1)(k)"
Insert: "(1)(i)"

And, as amended, do pass.

HB 38, be concurred in.
HB 60, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

January 25, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301, I submit to you and the Montana Senate the following board appointment for confirmation.

Board of Chiropractors
MCA § 2-15-1737

As required by MCA § 5-5-301, I am submitting to the Senate for confirmation the following person who was appointed by former Governor Bullock under MCA § 2-16-506 during the recess of the legislature:

- Dr. Julie Murack, Conrad. I support the confirmation of Dr. Murack.

I have included the appointee's resume, biography or other qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as this appointment moves through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

January 26, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301, I submit to you and the Montana Senate the following board appointment for confirmation:

Board of Aeronautics
MCA § 2-15-2506

I am submitting to the Senate for confirmation the following person:

• Greg Smith, 410 Skyline Drive, Lewistown MT 59457 for a term commencing January 26, 2021. Mr. Smith fulfills the AMAA requirements and replaces Darrold Hutchinson who resigned January 26, 2021 and whose term ends January 3, 2025.

I have included the appointee's qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as this appointment moves through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/25/2021

HB 22, introduced by F. Garner
HB 26, introduced by M. Funk
HB 32, introduced by S. Vinton
HB 153, introduced by R. Fitzgerald

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 141, introduced by D. Howard, S. Berglee, M. Blasdel, K. Bogner, B. Brown, J. Ellsworth, S. Fitzpatrick, T. Gauthier, B. Gillespie, S. Hinebauch, D. Kary, T. Manzella, T. McGillvray, B. Molnar, K. Regier, W. Sales, J. Small, C. Smith, G. Vance, J. Welborn, referred to Judiciary.
SB 142, introduced by K. Bogner, referred to Public Health, Welfare and Safety.
SB 143, introduced by J. Ellsworth, S. Berglee, M. Blasdel, B. Brown, E. Buttrey, R. Fitzgerald, W. Galt, C. Glimm, S. Gunderson, S. Hinebauch, M. Hopkins, T. Jacobson, J. Kassmier, C. Knudsen, R. Marshall, V. Ricci, J. Small, referred to Fish and Game.
SB 144, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 145, introduced by S. Fitzpatrick, referred to Judiciary.
SB 146, introduced by S. Morigeau, referred to State Administration.
SB 147, introduced by M. McNally, referred to Energy and Telecommunications.
SB 148, introduced by B. Gillespie, referred to Highways and Transportation.

The following Senate bills were introduced and read first time:

SB 149, introduced by T. McGillvray, J. Ellsworth, C. Smith.
SB 150, introduced by D. Sands.
SB 151, introduced by D. Sands.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 3, introduced by T. Gauthier, referred to Energy and Telecommunications.

The following House bills were introduced, read first time, and referred to committees:

HB 22, introduced by F. Garner (by request of the Department of Military Affairs), referred to State Administration.
HB 26, introduced by M. Funk (by request of the Education Interim Committee), referred to Education and Cultural Resources.
HB 32, introduced by S. Vinton (by request of the Education Interim Committee), referred to Education and Cultural Resources.

HB 153, introduced by R. Fitzgerald, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gillespie in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 114 - Senator Ellsworth moved consideration of **SB 114** be passed for the day. Without objection, so ordered.

SB 112 - Senator Fitzpatrick moved **SB 112** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 96 - Senator Webber moved **SB 96** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 42

Nays: Esp, Glimm, Hinebauch, Kary, Keenan, Manzella, Regier K, Salomon.

Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 56 - Senator Ellsworth moved **SB 56** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Gillespie moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 54 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 57 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 47

Nays: McGillvray, Smith C, Vance.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 82 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 90 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, January 27, 2021, the eighteenth legislative day. Motion carried.

Senate adjourned at 1:32 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
EIGHTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 27, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/27/2021

Correctly printed: **SB 18**, **SB 33**, **SB 40**, **SB 43**, **SB 56**, **SB 63**, **SB 96**, **SB 104**, **SB 112**, **SB 141**, **SB 142**, **SB 143**, **SB 144**, **SB 145**, **SB 146**, **SB 147**, **SB 148**, **SB 149**, **SB 150**, **SB 151**, **SJ 3**, **SR 4**, **HB 38**, **HB 60**.
Correctly engrossed: **SB 75**, **SB 81**, **SB 108**, **HB 102**.
Transmitted to the House: **SB 54**, **SB 57**, **SB 82**, **SB 90**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/27/2021
SB 118, do pass.
SB 121, introduced bill, be amended as follows:

1. Page 1, line 12.
Following: "(1)"
Insert: "(a)"

2. Page 1, line 17.
Strike: "Acupuncture"
Insert: "The term"

3. Page 1, line 20.
Strike: "Acupuncture"
Insert: "The term also"

4. Page 1, line 21.
Following: "injection."
Insert: "(b)"

5. Page 1, line 22.
Following: "include"
Insert: ":

(i)"

6. Page 1, line 22.
Following: "recommendations"
Strike: ","
Insert: ";
(ii)"

7. Page 1, line 22.
Following: "exercise,"
Insert: "including but not limited to taiji and qigong;
(iii)"

8. Page 1, line 23.
Strike: "therapies,"
Insert: "therapy, including but not limited to bodywork, tui na, and shiatsu;"

9. Page 1, line 23.
Following: "therapies, and"
Insert: "(iv)"

And, as amended, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 1/26/2021
SB 59, do pass.
SB 81, introduced bill, be amended as follows:

1. Page 6, line 19.
Strike: "72"
Insert: "75"

2. Page 6, line 21.
Strike: "23"
Insert: "25"

3. Page 6, line 23.
Strike: "95 cents"
Insert: "$1"

And, as amended, do pass.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 1/26/2021
SB 38, introduced bill, be amended as follows:

1. Title, line 7.

Following: "OF"
Insert: ", AUTHORIZING A MATCH REQUIREMENT FOR, AND PROVIDING FOR DISBURSEMENT OF"

2. Page 1, line 21.
Following: "education."
Insert: "(2) The department may require an applicant to provide a 10% match in cash or donated services to be eligible to receive a grant."
Renumber: subsequent subsections

3. Page 1, line 23.
Following: "206."
Insert: "(4) After awarding a grant pursuant to this section, the department shall distribute 50% of the funding to the entity receiving the award with the other 50% to be distributed on receipt by the department of expense receipts and proof of completion of the project for which the money is awarded."
Renumber: subsequent subsections

And, as amended, do pass.

SB 64, do pass.
SR 5, be adopted.

JUDICIARY (Regier, Chair): 1/27/2021
SB 132, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/26/2021

HB 136, introduced by L. Sheldon-Galloway
HB 140, introduced by A. Regier
HB 167, introduced by M. Regier
HB 171, introduced by S. Greef

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 152, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.
SB 153, introduced by J. Welborn, referred to Natural Resources.

SB 154, introduced by J. Small, referred to Taxation.
SB 155, introduced by T. Jacobson, K. Abbott, D. Ankney, B. Bennett, M. Blasdel, C. Boland, E. Boldman, B. Brown, J. Cohenour, J. Ellis, J. Ellsworth, P. Flowers, G. Frazer, W. Galt, J. Gillette, C. Glimm, J. Gross, S. Hinebauch, D. Kary, K. Kelker, T. Manzella, E. McClafferty, M. McNally, S. Morigeau, S. O'Brien, J. Patelis, J. Pomnichowski, C. Pope, W. Sales, D. Salomon, L. Sheldon-Galloway, J. Small, C. Smith, M. Sweeney, S. Vinton, S. Webber, J. Welborn, K. Zolnikov, referred to Public Health, Welfare and Safety.

The following Senate bills, previously introduced, were referred to committees:

SB 150, introduced by D. Sands, referred to Judiciary.
SB 151, introduced by D. Sands, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 4, introduced by J. Ellis, referred to State Administration.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 12, introduced by K. Regier, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 136, introduced by L. Sheldon-Galloway, E. Buttrey, D. Skees, D. Salomon, J. Read, T. McGillvray, D. Howard, K. Regier, C. Smith, M. Blasdel, B. Keenan, C. Glimm, G. Hertz, D. Lenz, W. Galt, S. Berglee, B. Brown, G. Custer, J. Hinkle, K. Holmlund, T. Manzella, W. McKamey, M. Noland, V. Ricci, B. Tschida, S. Hinebauch, S. Gunderson, M. Regier, D. Loge, R. Fitzgerald, F. Anderson, J. Trebas, D. Bartel, C. Knudsen, B. Usher, J. Patelis, S. Vinton, B. Beard, M. Hopkins, F. Fleming, . Duram, J. Fuller, . Knudsen, J. Dooling, K. Bogner, J. Kassmier, T. Moore, S. Greef, B. Ler, B. Phalen, J. Carlson, L. Brewster, B. Mitchell, A. Regier, L. Reksten, P. Fielder, S. Kerns, S. Galloway, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Malone, J. Gillette, C. Hinkle, G. Frazer, M. Binkley, R. Marshall, K. Whitman, M. Bertoglio, referred to Judiciary.
HB 140, introduced by A. Regier, D. Skees, K. Regier, D. Lenz, J. Hinkle, M. Noland, B. Tschida, M. Regier, F. Anderson, L. Sheldon-Galloway, S. Vinton, J. Fuller, B. Ler, B. Mitchell, L. Reksten, P. Fielder, S. Galloway, E. Hill, J. Gillette, M. Binkley, referred to Judiciary.
HB 167, introduced by M. Regier, J. Gillette, referred to Judiciary.
HB 171, introduced by S. Greef, B. Brown, C. Friedel, S. Hinebauch, D. Howard, D. Kary, T. Manzella, K. Regier, D. Salomon, J. Small, C. Smith, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jacobson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 114 - Senator Ellsworth moved **SB 114** do pass.

SB 114 - Senator Ellsworth moved **SB 114**, second reading copy, be amended as follows:

1. Title, line 5.
Following: "LIMITATION;"
Insert: "PROVIDING FOR ANNUAL INCREASES; PROVIDING RULEMAKING AUTHORITY;"

2. Page 1, line 10.
Strike: "$350,000 in value"
Insert: "the value provided in subsection (3)"

3. Page 1, line 16.
Following: line 15
Insert: "(3) (a) The department of revenue shall adopt administrative rules setting the homestead value limit.
(b) In 2021, the homestead value limit is $350,000.
(c) The homestead value limit must increase by 4% every calendar year after 2021."

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Mr. President, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn.
Total 37

Nays: Boland, Cohenour, Ellis, Gross, Lynch, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 114 - As amended, **SB 114** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 101 - Senator C. Smith moved **SB 101** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, Mr. President, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn.
Total 35

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 3 - Senator Osmundson moved **HB 3** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 43

Nays: Brown, Esp, Glimm, Manzella, McGillvray, Smith C, Vance.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Jacobson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 39 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 56 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 96 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Sands, Small, Sweeney, Tempel, Webber.
Total 37

Nays: Brown, Ellsworth, Esp, Glimm, Hinebauch, Kary, Keenan, Manzella, Regier K, Salomon, Smith C, Vance, Welborn.

Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 112 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Mr. President, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **HB 102** be taken from the second reading board and re-referred to the Judiciary Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, January 28, 2021, the nineteenth legislative day. Motion carried.

Senate adjourned at 1:43 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
NINETEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 28, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/28/2021

Correctly printed: **SB 59**, **SB 64**, **SB 101**, **SB 118**, **SB 132**, **SB 152**, **SB 153**, **SB 154**, **SB 155**, **SJ 4**, **SR 5**, **SR 12**, **HB 3**.
Correctly engrossed: **SB 22**, **SB 38**, **SB 114**, **SB 121**.
Correctly enrolled: **SR 3**.
Examined by the sponsor and found to be correct: **SR 3**.
Transmitted to the House: **SB 39**, **SB 56**, **SB 96**, **SB 112**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 1/27/2021
SB 58, do pass.
SB 110, do pass.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 1/26/2021
SB 125, do pass.

LOCAL GOVERNMENT (Gauthier, Chair): 1/27/2021
SB 80, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "AN"
Insert: "CERTAIN"

2. Title, line 4.
Strike: "AGREEMENT"
Insert: "AGREEMENTS"

3. Page 1, line 12 through line 13.
Strike: "that" on line 12 through "7-11-107" on line 13

4. Page 2, line 2 through line 3.
Strike: "The" on line 2 through "90-6-310" on line 3

Insert: "An agreement authorized by 7-11-104 between a city or town and a county that governs the adoption and enforcement of municipal zoning or subdivision regulations beyond the boundaries of a municipality pursuant to 76-2-310 and 76-2-311 may not exceed a term of 5 years, at which time both parties may mutually agree to renew the agreement"

And, as amended, do pass.

SB 123, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "seat."
Insert: "The office of a county officer must be located within the boundaries of the county."

And, as amended, do pass.

STATE ADMINISTRATION (Kary, Chair): 1/27/2021
SB 92, do pass.
SB 93, do pass.

TAXATION (Hoven, Chair): 1/28/2021
SR 6, be adopted.
SR 8, be adopted.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORT

TAXATION (Hoven, Chair): 1/28/2021
SR 7, be **not** adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/27/2021

HB 31, introduced by E. Buttrey
HB 40, introduced by W. Curdy
HB 75, introduced by B. Putnam
HB 80, introduced by K. Seekins-Crowe
HB 93, introduced by K. Walsh
HB 95, introduced by B. Tschida
HB 104, introduced by M. Malone
HB 112, introduced by J. Fuller
HB 163, introduced by P. Fielder

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 156, introduced by B. Bennett, K. Bogner, P. Fielder, P. Flowers, C. Friedel, B. Mitchell, D. Skees, K. Sullivan, referred to Business, Labor, and Economic Affairs.
SB 157, introduced by S. Hinebauch, M. Binkley, K. Bogner, J. Ellsworth, P. Fielder, G. Frazer, E. Hill, C. Hinkle, J. Hinkle, D. Howard, D. Kary, R. Knudsen, B. Ler, T. Manzella, R. Marshall, T. McGillvray, B. Molnar, M. Noland, B. Phalen, A. Regier, K. Regier, J. Schillinger, C. Smith, B. Tschida, G. Vance, C. Glimm, B. Mitchell, referred to Education and Cultural Resources.
SB 158, introduced by S. Hinebauch, M. Binkley, J. Ellsworth, P. Fielder, G. Frazer, C. Glimm, E. Hill, C. Hinkle, J. Hinkle, D. Howard, D. Kary, R. Knudsen, B. Ler, T. Manzella, R. Marshall, T. McGillvray, B. Mitchell, B. Molnar, M. Noland, B. Phalen, A. Regier, K. Regier, J. Schillinger, C. Smith, B. Tschida, G. Vance, referred to Judiciary.
SB 159, introduced by G. Hertz, B. Beard, M. Blasdel, J. Fuller, W. Galt, C. Knudsen, R. Knudsen, C. Smith, G. Vance, S. Vinton, T. Welch, referred to Taxation.
SB 160, introduced by D. Kary, D. Ankney, D. Bedey, K. Bogner, L. Brewster, G. Custer, W. Galt, T. Gauthier, S. Greef, S. Gunderson, R. Lynch, T. McGillvray, R. Osmundson, R. Tempel, J. Welborn, referred to Energy and Telecommunications.
SB 161, introduced by J. Esp, M. Bertoglio, referred to Local Government.
SB 162, introduced by D. Howard, M. Blasdel, B. Brown, S. Galloway, S. Hinebauch, C. Hinkle, M. Hopkins, D. Kary, T. Manzella, T. McGillvray, B. Mitchell, F. Nave, R. Osmundson, J. Patelis, J. Read, A. Regier, D. Salomon, L. Sheldon-Galloway, J. Small, C. Smith, B. Tschida, referred to State Administration.
SB 163, introduced by C. Glimm, B. Brown, M. Cuffe, N. Duram, J. Ellsworth, P. Fielder, J. Fuller, S. Galloway, C. Hinkle, J. Kassmier, T. Manzella, B. Mitchell, M. Noland, R. Osmundson, K. Regier, L. Sheldon-Galloway, D. Skees, C. Smith, B. Tschida, referred to Natural Resources.
SB 164, introduced by C. Glimm, B. Brown, M. Cuffe, N. Duram, J. Ellsworth, P. Fielder, J. Fuller,

S. Galloway, C. Hinkle, J. Kassmier, D. Lenz, T. Manzella, B. Mitchell, M. Noland, R. Osmundson, K. Regier, L. Sheldon-Galloway, D. Skees, C. Smith, B. Tschida, J. Welborn, referred to Natural Resources.
SB 165, introduced by C. Glimm, M. Blasdel, B. Brown, M. Cuffe, J. Ellsworth, J. Esp, P. Fielder, J. Fuller, S. Galloway, T. Gauthier, J. Kassmier, T. Manzella, B. Mitchell, M. Noland, R. Osmundson, K. Regier, L. Sheldon-Galloway, D. Skees, C. Smith, B. Tschida, referred to Local Government.
SB 166, introduced by T. Gauthier, referred to Business, Labor, and Economic Affairs.
SB 169, introduced by M. Cuffe, F. Anderson, D. Ankney, D. Bartel, B. Beard, D. Bedey, S. Berglee, M. Bertoglio, M. Binkley, M. Blasdel, K. Bogner, L. Brewster, B. Brown, E. Buttrey, J. Carlson, J. Dooling, N. Duram, J. Ellsworth, P. Fielder, R. Fitzgerald, S. Fitzpatrick, F. Fleming, G. Frazer, J. Fuller, S. Galloway, W. Galt, F. Garner, T. Gauthier, J. Gillette, S. Gist, C. Glimm, S. Greef, S. Gunderson, G. Hertz, E. Hill, S. Hinebauch, C. Hinkle, J. Hinkle, K. Holmlund, M. Hopkins, B. Hoven, D. Howard, L. Jones, D. Kary, J. Kassmier, B. Keenan, S. Kerns, C. Knudsen, R. Knudsen, M. Lang, D. Lenz, B. Ler, D. Loge, M. Malone, T. Manzella, R. Marshall, T. McGillvray, W. McKamey, B. Mercer, B. Mitchell, B. Molnar, T. Moore, F. Nave, M. Noland, R. Osmundson, B. Phalen, J. Read, A. Regier, K. Regier, M. Regier, L. Reksten, W. Sales, D. Salomon, J. Schillinger, K. Seekins-Crowe, L. Sheldon-Galloway, D. Skees, J. Small, C. Smith, M. Stromswold, R. Tempel, J. Trebas, B. Tschida, B. Usher, G. Vance, S. Vinton, K. Walsh, J. Welborn, T. Welch, K. Whitman, K. Zolnikov, referred to State Administration.

The following Senate bills were introduced and read first time:

SB 167, introduced by S. Fitzpatrick, W. Galt, M. Blasdel.
SB 168, introduced by S. Fitzpatrick.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 13, introduced by D. Kary, referred to State Administration.
SR 14, introduced by D. Kary, referred to State Administration.
SR 15, introduced by D. Kary, referred to State Administration.
SR 16, introduced by D. Kary, referred to State Administration.
SR 17, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 18, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 19, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 20, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 21, introduced by D. Kary, referred to State Administration.
SR 22, introduced by D. Kary, referred to State Administration.
SR 23, introduced by D. Kary, referred to State Administration.
SR 24, introduced by D. Kary, referred to State Administration.
SR 25, introduced by D. Kary, referred to State Administration.
SR 26, introduced by D. Kary, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 31, introduced by E. Buttrey (by request of the Department of Military Affairs), referred to State Administration.
HB 40, introduced by W. Curdy (by request of the Environmental Quality Council), referred to Natural Resources.
HB 75, introduced by B. Putnam (by request of the Department of Transportation), referred to Highways and Transportation.
HB 80, introduced by K. Seekins-Crowe (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 93, introduced by K. Walsh (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 95, introduced by B. Tschida (by request of the Commissioner of Political Practices), referred to State Administration.
HB 104, introduced by M. Malone, referred to Local Government.
HB 163, introduced by P. Fielder, B. Brown, R. Fitzgerald, C. Glimm, S. Gunderson, S. Hinebauch, J. Hinkle, B. Ler, D. Loge, M. Noland, D. Skees, J. Small, C. Smith, referred to Fish and Game.

The following House bill was introduced and read first time:

HB 112, introduced by J. Fuller.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGillvray in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 18 - Senator Salomon moved **SB 18** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 75 - Senator Salomon moved **SB 75** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 104 - Senator Welborn moved **SB 104** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 40 - Senator Ellis moved **SB 40** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Ellsworth, Esp, Friedel, Glimm, Howard.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 4 - Senator Welborn moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 4**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair McGillvray moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Hertz.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 101 passed as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 36

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Gross, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 3 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 44

Nays: Brown, Glimm, Manzella, McGillvray, Smith C, Vance.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 150** be taken from the Judiciary Committee and re-referred to the Highways and Transportation Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate recess until 6:50 p.m. at which time the Senate will meet to hear the Governor's State of the State Address. Motion carried.

Senate recessed at 1:42 p.m. Senate reconvened at 6:50 p.m., President Blasdel in the chair.

MOTIONS

Majority Leader Smith moved the Senate proceed to the House of Representatives to hear the Governor's State of the State Address. Upon adjournment of the joint session, the Senate will be adjourned until the hour of 1:00 p.m. Friday, January 29, the twentieth legislative day.

Motion carried.

STATE OF THE STATE ADDRESS
Governor Greg Gianforte

Lieutenant Governor Juras, President Blasdel, Speaker Galt, members of the 67th Legislature. My fellow statewide officials, tribal leaders, honored members of the judiciary, members of the Cabinet.

My wife, Susan, and our kids and grandson.

And finally, my fellow Montanans.

Serving you is the highest honor and privilege of my life. You have entrusted me to lead our Montana comeback, and I am humbled.

I will continue to wake up every day with you at the front of my mind – from our seniors to our hopeful kids, from our Main Street business owners to our hardworking farmers and ranchers, from our men and women in uniform to our veterans who have answered the call of duty.

I had the opportunity to welcome home members of the Montana National Guard this week. On short notice, they were activated, flew to Washington, D.C., and fulfilled their mission to ensure a peaceful transition of power at the U.S. Capitol. And now, they are home.

Only weeks before, the same U.S. Capitol had been under siege by a violent mob intent on destroying our democratic institutions. It's a day we won't forget. It revealed just how fragile our republic can be. It also reaffirmed, though, how resilient our institutions are. Hours after the storming of the Capitol, the House and Senate came back together and finished their work, certifying the next president of our United States.

That resiliency is also what defines us as Montanans.

This last year has brought real, serious challenges. But through it all, we've seen the resiliency of Montanans.

The first case of COVID was reported in Montana on March 11th. Almost eleven months later, Montana has seen nearly 93,000 cases, and sadly, more than 1,200 Montanans have lost their lives.

In the four months after the first case, more than 150,000 Montanans filed for unemployment.

Since that time, an untold number of businesses have closed, many for good. Men and women, who took an idea and invested their savings, energy, and lives, saw what they built disappear – the victims of pandemic-induced restrictions and mandated closures.

And despite all these stark challenges and many dark days, Montanans remain resilient.

We found our heroes in doctors and nurses on the frontlines.

Like Dr. Paul Johnson, a husband and father in Great Falls, who works at Benefis. For 13 weeks, Dr. Johnson treated COVID-19 patients and lived out of his camper. He went to that great length to keep his family safe and the virus out of their home.

We found our heroes in first responders.

Like firefighters, law enforcement officers, and other first responders in Butte. Despite the pandemic straining their resources, they still showed up to host a parade for the Montana Special Olympics Torch Run.

We found our heroes in educators.

Like Kristi Borge, a fourth-generation Montanan who teaches 11 students in a one-room school in Polaris. When the pandemic disrupted regular instruction, Kristi had summer school outside to keep her students up to speed and on track.

We found our heroes in truckers who kept our supply chains moving. And grocery store clerks who kept our shelves full.

Like Myron Aeschbacher, a Montanan who's been trucking for 30 years. With truck stops, rest areas, and restaurants closed along his route, Myron had to make do without some basic necessities – all while keeping our supply chains moving.

We found our heroes in small business owners and others who helped support our response to the pandemic.

Like Steel Toe Distillery in Potomac, which partnered with veteran nonprofit organizations to make hand sanitizer.

Like Dayspring Restoration, whose employees washed and disinfected first-responder vehicles for free.

Like Billings Clinic, which provided free child care to essential health care workers.

We found our heroes next door – in our friends and in our neighbors.

The people who checked on seniors to make sure they were okay when the state was locked down. The people who sewed masks for health care providers and emergency responders when PPE was in short supply.

In Montana, neighbors help neighbors. It's what we do. And it's what we've done during this difficult year.

Our Montana resiliency has shown bright – an example to other states.

And while we are resilient, the pandemic remains the biggest challenge we face. Addressing it is my top priority as your governor.

We have begun improving how we confront the pandemic.

On my second day in office, we changed the state's vaccine distribution plan to protect the most vulnerable. These changes are saving lives.

Our focus is on ensuring those most at risk can get vaccinated: seniors 70 and older and our families, friends, and neighbors with severe underlying health conditions, like cancer and heart disease. They're at the front of the line now and are getting vaccinated in Phase 1B.

As of today, Montanans have administered more than 92,000 total doses, and nearly 22,000 Montanans have been fully vaccinated. At the end of this week, nearly all of our long-term care facilities and nursing homes will have had at least one vaccination clinic.

And while we are quickly deploying the doses we receive to communities throughout Montana, our supplies from the federal government aren't keeping up with the demand. Each week, we ask for as many doses as the federal government will give us. We have proven in Montana that we can get the vaccine quickly in the arms of our most vulnerable. We just need more vaccines.

That's why today I asked President Biden to do everything in his power to ramp up production and send more vaccines to Montana. We need them.

And while we face a public health crisis, we also face an economic crisis.

Too many Montanans lost their jobs and found themselves without a paycheck through no fault of their own. Too many small business owners closed their doors for good. Too many farmers and ranchers struggled with uncertainty. Too many students were left to

learn in front of a computer and not in a classroom.

We are righting the course and improving our response.

We consulted with public health officials, health care providers, and business leaders. And nine days after I was sworn in, we lifted arbitrary restrictions that limited hours of operation and capacity for restaurants and other small businesses. Instead, we're relying on business owners to follow industry best practices and public health guidance – rather than relying on the long reach and heavy hand of government.

As we continue to move forward, we need to protect businesses, nonprofit organizations, places of worship, and health care providers from lawsuits, provided they make a good faith effort to protect their staff and customers.

I appreciate the urgency with which the legislature has acted to pass Senator Fitzpatrick's bipartisan bill to do just that. I look forward to getting SB 65 to my desk so we can take a critical step toward getting Montana safely open for business – moving toward incentives and personal responsibility and away from impractical government mandates.

I look forward to a day when we can all take off our masks, throw them in the trash and get on with our lives in a safe manner. In the meantime, I'll continue wearing one and encourage Montanans to do the same.

Finally, as hard as 2020 was for Montana workers and business owners who were just trying to get by, the last thing we all needed was for the government to get in the way.

But that's exactly what happened in the fall. The state government under the previous administration sued five businesses, all in Flathead County, alleging they did not adequately enforce a mask mandate. The first judge in the case ruled against the state, saying it didn't have enough evidence and that the businesses made reasonable efforts.

A pandemic with severe economic fallout is bad enough. We don't need government piling on.

That's why, tonight, I am announcing I have directed our staff to seek dismissal of the litigation against these businesses. Enough is enough.

As we continue making progress to address the economic fallout from the pandemic, we are guided by three clear imperatives.

First, we must get our economy going again. Second, we must get Montana open for business. Third, we must get Montanans back to work in good-paying jobs.

As we lead the Montana comeback, we can't just talk about doing these things. We must do them.

Businesses and the jobs they create are fleeing high-tax, high-regulation states, and moving to states where the business climate is friendlier, with lower taxes and less red tape.

Unfortunately, Montana is not competitive today. Montana taxpayers with at least $18,500 of taxable income pay our top income tax rate. More than half of Montana taxpayers pay that top rate of 6.9 percent.

Look across our competitors in the Rocky Mountain West. Of the eight states in our region, Montana ranks seventh, near the bottom.

We used to have the highest rate in the country at 11 percent before we cut it to 6.9 percent 18 years ago. That made us competitive then. But no longer.

Since then, Idaho cut its rate to ours. And Utah, Arizona, and New Mexico cut their rates at least two points below ours. That's a stark difference, and it's one reason we're losing out on opportunities and good jobs. Our high rate drives away too many businesses that may want to locate in Montana.

The effects of that are very real: Montana loses out on good-paying jobs and the tax revenue that comes from it. And when we lose out on opportunities and good-paying jobs here, our kids and grandkids leave Montana in pursuit of them: better jobs for better pay.

To get our economy going again, to get Montana open for business, and to get Montanans back to work in good-paying jobs, we must make Montana more competitive.

We must lower our top personal income tax rate, and that's what I've proposed in my budget. Not only will the majority of Montana income taxpayers see relief, but also Montana will become more competitive.

I thank Senator Hertz and Representative Knudsen for working on the Personal Income Tax Relief Act.

Let's be clear and set the record straight here tonight: we don't pay for it by cutting

services. We pay for most of it by modernizing our corporate tax structure to reward businesses that create Montana jobs and make investments in Montana.

Reducing the top rate is just a start. To make Montana more competitive, we must bring our income tax rates in line with other states in our region. But we must do it prudently.

That's why I urge the legislature to send to my desk a bill that continues to reduce our uncompetitive income tax rate as our economy grows and we find efficiencies in government.

Our budget also creates the entrepreneur magnet, which encourages companies to establish their headquarters in Montana and create jobs here. I thank President Blasdel and Representative Beard for their efforts to introduce the Entrepreneur Magnet Act.

We must reform our tax system so our Main Street businesses can thrive and create jobs. Under the current system, Montana small business owners have to invest countless hours as they try to comply with our business equipment tax. They have to value their property, file paperwork, and pay the tax. This is a burdensome process that takes a lot of time.

To reduce the burden on our small businesses, my budget calls for reforming the business equipment tax by exempting business equipment valued up to $200,000, boosting the exemption by 100 percent. The BIG Jobs Act, or Business Investment Grows Jobs Act, eliminates the business equipment tax burden for 4,000 Montana small business owners. I appreciate the efforts of Representative Kassmier and Senator Hoven to get that bill to our colleagues in the legislature.

The increased exemption also encourages our small business owners, farmers, and ranchers to invest in their business. When they make those investments, they support the Montana businesses they buy from, retailers and manufacturers whose sales will grow and who, in turn, create more jobs.

I ask the legislature to pass and send me the BIG Jobs Act. Together, we can ease the burden on small business owners, encourage them to make investments, and help them, and Montana, thrive.

To make Montana more competitive, we also need to get a better handle on our regulatory scheme. Burdensome, unnecessary red tape ties up our small businesses, farms, and ranches. These regulations cost time and money. Ultimately, Montana consumers bear the burden with higher prices on goods and services, and the biggest burden falls on low- and middle-income Montanans who are trying to make ends meet.

It's time to cut back this thicket of red tape, and it's one of my top priorities.

That's why, on my second day in office, I signed an executive order to establish the Red Tape Relief Task Force, which Lieutenant Governor Juras will lead. I have charged the task force to complete a comprehensive, top-to-bottom review of regulations in every single state agency. They are to leave no stone unturned as they identify excessive, outdated, and unnecessary regulations.

Our budget builds a stronger Montana workforce by prioritizing trades education. Many jobs require specialized skills, and we should ensure that Montanans have access to the training and education they need to acquire and refine those skills.

That's why my budget establishes the Montana Trades Education Credit, or M-TEC. Our budget provides for as many as 1,000 scholarships per year by offering businesses a 50-percent credit for their employees to learn a trade. Together, employers and employees can decide on training that's best for the business and the employee.

Representative Jones and Senator Salomon, thank you for leading the effort on M-TEC to strengthen our workforce, ensuring that Montana workers are well-equipped to succeed, thrive, and achieve the American dream.

Taken together, these measures will make Montana more competitive, but it doesn't matter if no one knows about it. That's why we need to effectively promote a more competitive Montana to job creators.

That's one reason I asked Scott Osterman to lead the Department of Commerce. A native of north central Montana, Scott has broad experience, including as a senior executive in Fortune 500 companies. He knows how to grow businesses. I gave Scott this charge: use your business experience to grow Montana's economy, create high-paying jobs, and bring Montanans home to live and work here.

I will join Scott to promote a more competitive Montana and emphasize what really makes Montana a special place. First, the Montana work ethic is second to none. Montanans are hardworking and know the value and virtue of work. Second, our quality of life is second to none. Our public lands make this one of the best places to live, work, and raise a family.

These are two of the reasons Susan and I decided to move to Montana – to put down roots, raise our family, and start a business here. Our decision to move here wasn't random. We didn't throw a dart at a map.

I knew from my first trip to Montana nearly 45 years ago that I wanted to make Montana

home. That's when Tim Frable introduced me to Montana. His deep love of this state was infectious. He had trained at Malmstrom Air Force Base and flew missions in a P-51 over Japan during World War Two.

Tim was my junior-high science teacher, and in 1976, he drove me and 17 other ninth graders to Red Lodge to hike into the back country. We hiked to Black Canyon Lake, Grasshopper Glacier, and onto the Lake Plateau.

I tell this story, because Tim was a dedicated educator who shaped my life.

There are many educators like Tim in Montana and throughout our country. They make lasting impacts in the lives of their students – not only imparting their knowledge but also sharing their experience, wisdom, and passions.

They make us better.

We should do everything we can to ensure that any teacher who wants to start her career in Montana can. But Montana ranks at the bottom nationally in starting teacher pay. Wyoming's starting teacher pay is 45 percent higher than ours.

After receiving a teaching degree, a Montanan shouldn't have to choose between earning more in Wyoming and teaching in Montana for the worst starting salary in the country.

That's what happened to a couple of teachers I talked to who used to live in central Montana. A husband and wife, who were early in their teaching careers, were starting a family. They soon realized that they couldn't raise a family and make ends meet on one teacher salary here. So they moved to Wyoming where they could.

We must do better for our starting teachers. That's why my budget provides $2.5 million in incentives to schools to improve starting teacher pay. I encourage the legislature to pass the TEACH Act, or Tomorrow's Educators are Coming Home Act, which Representative Jones is sponsoring.

By increasing their pay, let's make it easier for our starting teachers to choose to stay in Montana or come back home. Let's make our communities stronger and our classrooms better with excellent starting teachers in them. Let's make their pay more competitive.

Our kids will thank us for it one day.

There are young educators, future Tim Frables out there, who we want to teach our

kids.

Ultimately, our budget is about our Montana priorities. It's about increasing opportunities here at home and bringing the American dream into greater reach for all Montanans. We should ensure every Montanan has the opportunity to realize it – earning a decent living, raising a family, contributing to our communities, retiring comfortably, and owning a home.

One of our current taxes, however, jeopardizes part of the American dream for some lower-income Montanans. Every two years, reappraisals drive up our property tax bills. These rising taxes threaten the American dream, particularly for lower-income Montanans, people who have invested in their homes, raised their families there, and have retired with a fixed income.

Ever-rising property tax bills shouldn't force someone to make a difficult decision. Pay the tax or sell her home. Pay the tax or put food on the table. Pay the tax or get her prescription drugs.

That's why I proposed the Keep Your Home Tax Relief Act in my budget. Keep Your Home provides $3 million per year over the next biennium to mitigate the impact of reappraisal on lower-income Montanans, including our seniors and disabled veterans. I appreciate the work of Senator Hoven, Representative Beard, and Representative Hopkins to get this critical bill introduced.

Part of the foundation of the American dream is safe communities where we live and work, and where our kids go to school.

But our state faces a grave threat to our safety: drug use. The Department of Public Health and Human Services estimates that about 64,000 Montanans have a substance use disorder. Addiction is tearing apart families and ravaging our communities.

Few Montanans are untouched by addiction.

There are devastating consequences to this crisis. Our treatment facilities are filling up, some unable to take new patients. Our corrections institutions are filling with people who, losing a battle against addiction, resort to increasingly violent crimes. Our first responders and frontline medical workers at hospitals not only confront it with overdoses but also see it in the innocents – the spouses, the children, the loved ones – who are victims of meth-induced violence. Our schools see our young people drop out as addiction overtakes them. Addiction leaves them falling further and further behind in their education and further off the path to a better life.

Most tragically, the crisis of meth in Montana is dissolving families and endangering our kids. Meth use has transformed homes from places of love and care to ones of mistreatment and abandonment. Addicted parents neglect their children, leaving too many of our Montana kids fending for themselves. Kids go to bed hungry, and face constant food insecurity. Some fear their parents will become violent.

Last year, two parents in Great Falls allegedly smoked meth in front of their four young children. Meth and drug paraphernalia were within the kids' reach. They were only 6, 3, 2, and one years old. The two-year-old was covered in bruises. A CT scan showed he had a skull fracture.

Children who survive this abuse and neglect often end up in foster care, a system severely strained by meth. Montana has the second highest number of kids in foster care per capita in the entire country. Forty-four percent of all children in our foster care system are there because of parental meth use.

This crisis is heartbreaking, and it has to stop.

There is no silver bullet, but there are steps we can take to confront it. My budget begins to take some of those steps.

It will take investments. So let me be clear: tax revenues from the sale of recreational marijuana should go toward confronting the epidemic of addiction we face.

That's why my budget devotes marijuana tax revenue and part of the tobacco tax settlement to the HEART Fund, or the Healing and Ending Addiction through Recovery and Treatment Fund. The HEART Fund will provide for a full continuum of substance abuse prevention and treatment programs for communities.

That full continuum of programs is critical. Under our current system, there are gaps in coverage that reduce effectiveness. In some communities, there is no coordinated prevention program. In some communities, there are gaps in meth treatment. In some communities, there is a lack of local recovery support for someone leaving treatment who wants to stay clean, sober, and healthy.

We must close those glaring gaps, and the HEART Fund will do that.

With $7 million in new funds and a federal match, our budget makes an historic investment. An additional $23.5 million per year will provide for substance abuse prevention and treatment programs for communities.

This is not bigger government. It's a community grant program to help non-profits and

NGOs do the work on the ground in our communities. And that's where our focus lies, in our communities. With guidance and resources from the state to improve their response to addiction, our communities will lead this effort, because they know their local needs best.

Successful prevention and treatment programs help people who have hit rock bottom regain their health, rebuild their lives, and become vibrant, productive members of their community.

In addition to making an historic investment in prevention and treatment programs in our communities, we must prioritize and invest in treatment courts. Treatment courts work. They reduce recidivism. They reduce drug use. They increase public safety. And they are much more cost effective than incarceration.

Three years after completing treatment court, 70 percent of graduates are clean and holding a job.

But don't just take my word for it. Ask Judge Mary Jane Knisely in Yellowstone County, who started a treatment court there in 2010. Judge Knisely swore me into office a few weeks ago. I asked her to do it because of her experience and outstanding record. Her treatment court model is one we should implement throughout our state.

For all those reasons, our budget provides funding for five drug treatment courts.

And while we should focus on treatment for nonviolent offenders, we must maintain the rule of law. Montana has the highest violent crime rate in the northwest. And we saw an eight percent increase in violent crime last year, even as our nation saw a decline.

Ladies and gentlemen, we are a nation of laws. That's why I support Representative Holmlund's bill to ban sanctuary cities in Montana.

And the hands of justice must be swift. That's why our budget provides for a new district judge in both Gallatin and Flathead counties. That's why our budget adds 14 new parole and probation officers, since our officers are overwhelmed because of prior cuts and growing crime.

While we face an epidemic of drugs and increasing crime, we must also address the crisis of Missing and Murdered Indigenous Persons. In Montana, Native Americans make up about 7 percent of our population, but they account for about 26 percent of missing persons. Between 2017 and 2019, nearly 80 percent of those reported missing were teenagers younger than 18 years of age. Native American women face a murder rate 10 times higher than the national average, and 84 percent experience some form

of violence in their lifetime.

Time is of the essence, and we must act urgently to curb this tragic trend. It's critical that we bring all voices to the table, and that all voices are heard.

I ask the legislature to send to my desk a bill to extend the Missing and Murdered Indigenous Persons Task Force. I want to thank Representative Sharon Stewart Peregoy, of Crow Agency, and Senator Jason Small, of Busby, for their efforts on this legislation.

And since we're talking about saving lives, we must protect the lives of our most vulnerable: unborn children. I firmly believe all life is precious and must be protected.

I urge the legislature to send me the Montana Pain Capable Unborn Child Protection Act which protects unborn babies by prohibiting abortion when they can feel pain. I also urge the legislature to send me the Born-Alive Infant Protection Act which requires doctors to perform life-saving care on a baby who's born as a result of a botched abortion.

These are necessary, compassionate measures where there should be common ground among us, and I will sign them into law.

As we work to lead the Montana comeback, we must keep hardworking families at the front of our minds. Every day, they decide how to live within their means.

State government should live within its means, providing essential services and letting Montanans keep more of what they earn. Just because the state brings in more revenue doesn't mean we have to spend it.

I made a commitment to change how Helena does business, and our budget does that. Our budget is fiscally conservative. It is balanced. It is sound. It holds the line on new general fund spending, increasing an average of less than one percent per year.

Our budget decreases general fund spending by $100 million compared to the previous administration's proposed budget. Our budget preserves the "rainy day" fund by eliminating a $25 million transfer from the previous administration's proposal. Our budget has a strong ending fund balance of over $300 million, $50 million more than the budget the previous administration offered.

Our budget does all these things without cuts to essential services.

But it's not just dollars and cents. It's about service. What kind of customer experience

is state government providing to Montanans?

In the last three weeks, I have started visiting our state agencies. It's been a great opportunity for me to meet some of the folks who serve our state. These visits have reaffirmed to me that we have many hardworking state employees, who do their best every day to serve Montanans.

For too long, though, they haven't been led well.

After one visit to an agency, an employee, who's worked there for nearly three decades, told me I'm the first governor he's seen in the building. He works just across the street from the governor's office, but he's never seen the state's chief executive in the agency's building. I was as shocked to learn about his experience as he was to see me.

If this is how business is done in Helena, it's time to change how Helena does business.

From decades in the private sector, I firmly believe that leaders set the tone and culture of an organization. Tonight, I make these commitments to you, as the chief executive of our state. I will be available, accessible, and accountable. I will provide our state agencies with a clear mission, we will measure our progress, and we will celebrate our shared success together. I will emphasize providing exceptional customer experiences to all Montanans.

After all, you pay our salaries, and we work for you.

I expect our cabinet officials and agency heads to make the same commitments.

I'm proud of the outstanding team we've assembled. We looked for change agents with the best qualifications and leadership experience needed to change the way Helena does business and lead Montana's comeback, and we got them.

The members of our cabinet come with diverse backgrounds and experiences. All, however, are united in our shared commitment to make our state agencies more responsive to the people, and more responsible with taxpayer dollars. That is the charge I have given them, and I am confident they will get the job done.

I have charged Mike Foster at the Department of Agriculture to find ways to add value to our commodities here in Montana and preserve the Montana brand throughout our supply chain. That way, our ag producers can capture more of the value they create.

I have charged Hank Worsech at FWP to build stronger, better bridges among landowners, sportsmen, and outfitters.

I have charged Amanda Kaster at DNRC to bring more federal lands into active forest management to prevent catastrophic wildfires, have healthier forests, improve wildlife habitat, and bring back some of our good-paying Montana timber jobs.

Our agenda is ambitious, but we owe it to you to be bold, as we lead the Montana comeback.

Like you, I want our kids to enjoy a better life. Like you, I want to leave our state better than I found it. And while we have our differences on policy, that ideal is what motivates everyone who serves here.

That's why our agenda is ambitious. Because four years from now, I see a place where more Montanans are realizing the American dream – working hard, earning a good living, and raising a family. I see a place where our kids and grandkids stay in Montana because there are better opportunities here. I see a place where our communities are safer and thriving. I see a place where we have come through the other side of this global pandemic stronger.

If there's anything this year has taught us, it's that Montanans can handle anything. We met the test.

The state of our state is strong, but it's more than strong. The state of our state is resilient.

And we are ready for our Montana comeback.

Like Montanans at home tonight, we will go forth from here, ready to face what tomorrow brings. We will overcome whatever confronts us together, because the Montana way is to help each other. And because we are resilient.

Thank you. God bless you. God bless America. And God bless the great state of Montana.

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Senate adjourned at 7:54 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
TWENTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 29, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/29/2021
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the eleventh through the fifteenth legislative days, find the same to be correct.

Correctly printed: **SB 18**, **SB 40**, **SB 75**, **SB 88**, **SB 92**, **SB 93**, **SB 104**, **SB 110**, **SB 125**, **SB 156**, **SB 157**, **SB 158**, **SB 159**, **SB 160**, **SB 161**, **SB 162**, **SB 163**, **SB 164**, **SB 165**, **SB 166**, **SB 167**, **SB 168**, **SB 169**, **SR 4**, **SR 6**, **SR 8**, **SR 13**, **SR 14**, **SR 15**, **SR 16**, **SR 17**, **SR 18**, **SR 19**, **SR 20**, **SR 21**, **SR 22**, **SR 23**, **SR 24**, **SR 25**, **SR 26**.
Correctly engrossed: **SB 80**, **SB 115**, **SB 123**, **SR 9**, **SR 10**.
Transmitted to the House: **SB 101**, **HB 3**.
Signed by the Secretary of the Senate at 2:20 p.m., January 28, 2021: **SR 3**.
Signed by the President at 3:00 p.m., January 28, 2021: **SR 3**.
Delivered to the Secretary of State at 9:59 a.m., January 29, 2021: **SR 3**.
Delivered to the Governor at 9:54 a.m., January 29, 2021: **SR 3**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/29/2021
SB 129, do pass.
HB 19, be concurred in.
HB 74, be concurred in.

FISH AND GAME (Hinebauch, Chair): 1/28/2021
SB 115, introduced bill, be amended as follows:

1. Page 1, line 18.
Strike: "100"
Insert: "500"

2. Page 1, line 18.
Strike: "$100,000"
Insert: "$1 million"

3. Page 1, line 19.
Strike: "$100,000"
Insert: "$1 million"

And, as amended, do pass.

SB 116, do pass.
HB 108, be concurred in.
HB 120, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 1/28/2021
SR 9, introduced resolution, be amended as follows:

1. Page 1, line 13.
Strike: "Loren"
Insert: "Loran"

And, as amended, be adopted.

SR 10, introduced resolution, be amended as follows:

1. Page 1, line 14.
Strike: "Darrold Hutchinson, Hingham, Montana, appointed to a term ending January 5, 2025."

2. Page 1.
Following: line 17
Insert: "Greg Smith, Lewistown, Montana, appointed to a term ending January 5, 2025."

And, as amended, be adopted.

JUDICIARY (Regier, Chair): 1/29/2021
SB 127, introduced bill, be amended as follows:

1. Title, line 6.
Following: "JUDGE;"
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Page 2.
Following: line 10
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective 1 year after passage and approval."

And, as amended, do pass.

HB 28, be concurred in.
HB 102, be amended as follows:

1. Title, line 15.
Following: "PROVIDING"
Strike: "AN IMMEDIATE"

2. Title, line 15.
Strike: "DATE"
Insert: "DATES"

3. Page 3, line 7.
Following: "COURTROOM"
Insert: "or an area of a courthouse in use by court personnel"

4. Page 4, line 7.
Following: "abuse;"
Strike: "and"

5. Page 4, line 9.
Following: "consumed"
Insert: "; and
(i) the possession of a firearm at an athletic or entertainment event open to the public with controlled access and armed security on site"

6. Page 4, line 11 through line 18.
Following: "**violations.**" on line 11
Strike: remainder of line 11 through line 18 in their entirety
Insert: " Any person that suffers deprivation of rights enumerated under [sections 1 through 6] has a cause of action against any governmental entity, as defined in 2-9-101. The cause of action must be filed in district court. If a person asserting a deprivation of rights prevails, the person may be awarded reasonable costs, attorney fees, and damages."

7. Page 5, line 18 through line 19.
Strike: ":" on line 18 through "(a)" on line 19

8. Page 5, line 20.
Strike: ";"
Insert: "."

9. Page 5, line 26 through line 27.
Strike: subsection (b) in its entirety

10. Page 7, line 6.
Strike: "**date**"

Insert: "**dates**"

11. Page 7, line 6.
Strike: "[This act]"
Insert: "(1) Except as provided in subsection (2), [this act]"

12. Page 7, line 6.
Following: "approval."
Insert: "(2) [Section 6] is effective June 1, 2021."

And, as amended, be concurred in.

HB 105, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 1/28/2021

SB 19, introduced by K. Regier

House bills passed and transmitted to the Senate for concurrence: 1/28/2021

HB 36, introduced by S. Stewart Peregoy
HB 47, introduced by W. McKamey
HB 55, introduced by D. Loge
HB 63, introduced by J. Dooling
HB 94, introduced by K. Walsh
HB 103, introduced by W. Curdy
HB 117, introduced by V. Ricci
HB 119, introduced by D. Loge
HB 142, introduced by J. Kassmier
HB 159, introduced by L. Jones

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 170, introduced by D. Kary, referred to State Administration.

The following Senate bills, previously introduced, were referred to committees:

SB 167, introduced by S. Fitzpatrick, W. Galt, M. Blasdel, referred to Business, Labor, and Economic Affairs.
SB 168, introduced by S. Fitzpatrick, referred to Judiciary.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 27, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 28, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 29, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 30, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 31, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 32, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 33, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 36, introduced by S. Stewart Peregoy (by request of the State-Tribal Relations Committee), referred to Judiciary.
HB 47, introduced by W. McKamey (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
HB 55, introduced by D. Loge (by request of the Department of Transportation), referred to Highways and Transportation.
HB 63, introduced by J. Dooling (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 94, introduced by K. Walsh (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 103, introduced by W. Curdy, G. Custer, referred to Energy and Telecommunications.
HB 117, introduced by V. Ricci, referred to Business, Labor, and Economic Affairs.
HB 119, introduced by D. Loge, B. Brown, R. Fitzgerald, referred to Fish and Game.
HB 142, introduced by J. Kassmier, referred to Agriculture, Livestock and Irrigation.
HB 159, introduced by L. Jones, F. Garner, K. Holmlund, M. Regier, D. Loge, D. Bedey, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ankney in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 81 - Senator K. Regier moved consideration of **SB 81** be passed for the day. Without objection, so ordered.

SB 121 - Senator Jacobson moved **SB 121** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 22 - Senator Salomon moved **SB 22** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 59 - Senator McNally moved **SB 59** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 38 - Senator Gauthier moved **SB 38** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 108 - Senator Kary moved **SB 108** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 5 - Senator Vance moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 5**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Ankney moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 18 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 40 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 44

Nays: Esp, Friedel, Glimm, Howard, Keenan, Vance.

Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 58 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 75 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 104 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 114 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Monday, February 1, 2021, the twenty-first legislative day. Motion carried.

Senate adjourned at 1:46 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 1, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Keenan and Osmundson excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/1/2021

Correctly printed: **SB 22**, **SB 38**, **SB 59**, **SB 108**, **SB 116**, **SB 121**, **SB 129**, **SB 170**, **SR 5**, **SR 27**, **SR 28**, **SR 29**, **SR 30**, **SR 31**, **SR 32**, **SR 33**, **HB 19**, **HB 28**, **HB 74**, **HB 105**, **HB 108**, **HB 120**.
Correctly engrossed: **SB 127**, **HB 23**, **HB 102**.
Correctly enrolled: **SB 19**.
Transmitted to the House: **SB 18**, **SB 40**, **SB 58**, **SB 75**, **SB 104**, **SB 114**.

Senator Keenan present at this time.

REPORTS OF STANDING COMMITTEES

TAXATION (Hoven, Chair): 1/29/2021
SB 7, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "INCREASING THE CREDIT FOR ENERGY-CONSERVING EXPENDITURES AND"

2. Title, line 6.
Following: "ALLOWING"
Strike: "IT"
Insert: "THE CREDIT FOR ENERGY-CONSERVING EXPENDITURES"

3. Page 2, line 9.
Strike: "$800"
Insert: "$500"

And, as amended, do pass.

SB 8, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "ALL"
Insert: "CERTAIN"

2. Page 1, line 17.
Following: "(2)"
Insert: "(a)"
Following: "~~and personal~~"
Insert: "and personal"

3. Page 1, line 18.
Following: "filed."
Insert: "(b)"

4. Page 1, line 19.
Strike: "all personal property of the delinquent taxpayer located in any county in the state."
Insert: ":
(i) all funds in demand, savings, or time deposits in which the delinquent taxpayer has ownership interest and that are held in banking institutions;
(ii) wages and compensation owed to the delinquent taxpayer;
(iii) stock, equity interests, and investment accounts in which the delinquent taxpayer has ownership interest; and
(iv) any other money due and owing to the delinquent taxpayer in any county in the state.
(3)"
Renumber: subsequent subsections

5. Page 1, line 28.
Following: "in subsection"
Strike: "(3)"
Insert: "(4)"

And, as amended, do pass.

SB 51, introduced bill, be amended as follows:

1. Page 4, line 5.
Strike: "(5)(b)(i)"
Insert: "(5)(b)"

2. Page 4, line 10.
Following: "(ii)"
Insert: "(A)"

3. Page 4, line 11.
Following: "taxation"

Strike: "during installation and"

4. Page 4, line 12.
Strike: "of deployment"
Insert: "the fiber optic or coaxial cable was placed in service"

5. Page 4, line 13.
Following: "order to"
Strike: "qualify for and"

6. Page 4, line 14 through line 21.
Strike: "reinvest" on line 14 through "request" on line 21
Insert: "install and place in service new fiber optic or coaxial cable in Montana within 2 years from the date the owner first claimed the exemption provided for in this subsection (5)(b)(ii) without charging those costs to the consumer.
(B) An entity that claims a tax exemption under this subsection (5)(b)(ii) shall maintain adequate books and records demonstrating the investment the owner made when installing and placing in service fiber optic or coaxial cable in Montana. The property owners must make those records available to the department for inspection upon request.
(6) (a) The property taxes exempted from taxation by subsection (5)(b)(ii) are subject to termination or recapture if the department determines that the owner failed to install and place in service new coaxial or fiber cable in Montana as provided in subsection (5)(b)(ii), or otherwise violates the provisions of this section.
(b) Upon notice from the department that the owner's exemption has terminated, any local governing body may recapture taxes previously exempted in that jurisdiction, plus interest and penalties for nonpayment of property taxes as provided in 15-16-102, during any tax year in which an exemption under the provisions of subsection (5)(b)(ii) was improper. Any recapture must occur within 10 years after the end of the calendar year in which the exemption was first claimed.
(c) The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer"

7. Page 6, line 5.
Strike: "construction and deployment of"
Insert: "installing and placing in service"

8. Page 6, line 6.
Strike: "in the installation and deployment of"
Insert: "when installing and placing in service"

9. Page 6, line 9.
Strike: "the installation and deployment of"
Insert: "installing and placing in service"

10. Page 6, line 13.
Following: "(b)"
Insert: "(i)"

11. Page 6, line 14.
Following: "taxation"
Strike: "during installation and"

12. Page 6, line 15.
Strike: "of deployment"
Insert: "the fiber optic or coaxial cable was placed in service"

13. Page 6, line 16.
Following: "order to"
Strike: "qualify for and"

14. Page 6, line 17 through line 24.
Strike: "reinvest" on line 17 through "request" on line 24
Insert: "install and place in service new fiber optic or coaxial cable in Montana within 2 years from the date the owner first claimed the exemption provided for in this subsection (4)(b) without charging those costs to the consumer.
(ii) An entity that claims a tax exemption under this subsection (4)(b) shall maintain adequate books and records demonstrating the investment the owner made when installing and placing in service fiber optic or coaxial cable in Montana. The property owners must make those records available to the department for inspection upon request.
(5) (a) The property taxes exempted from taxation by subsection (4)(b) are subject to termination or recapture if the department determines that the owner failed to install and place in service new coaxial or fiber cable in Montana as provided in subsection (4)(b), or otherwise violates the provisions of this section.
(b) Upon notice from the department that the owner's exemption has terminated, any local governing body may recapture taxes previously exempted in that jurisdiction, plus interest and penalties for nonpayment of property taxes as provided in 15-16-102, during any tax year in which an exemption under the provisions of this section was improper. Any recapture must occur within 10 years after the end of the calendar year in which the exemption was first claimed.
(c) The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer"

15. Page 6, line 27.
Following: "**exemptions.**"
Insert: "(1)"

16. Page 7, line 1.
Strike: "(1)"
Insert: "(a)"

Renumber: subsequent subsections

17. Page 7, line 4.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

18. Page 7, line 13.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

19. Page 8, line 2.
Strike: "during installation and"

20. Page 8, line 2.
Strike: "of deployment"
Insert: "placed in service"

21. Page 8, line 3 through line 10.
Strike: "reinvests" on line 3 through "request" on line 10
Insert: "installs and places in service new fiber optic or coaxial cable in Montana within 2 years from the date the owner first claimed the exemption provided for in this subsection (1)(j) without charging those costs to the consumer. An entity that claims a tax exemption under this subsection (1)(j) shall maintain adequate books and records demonstrating the investment the owner made when installing and placing in service fiber optic or coaxial cable in Montana. The property owners must make those records available to the department for inspection upon request"

22. Page 8, line 12.
Following: "204."
Insert: "(2) (a) The property taxes exempted from taxation by subsection (1)(j) are subject to termination or recapture if the department determines that the owner failed to install and place in service new coaxial or fiber cable in Montana as provided for in subsection (1)(j), or otherwise violates the provisions of this section.
(b) Upon notice from the department that the owner's exemption has terminated, any local governing body may recapture taxes previously exempted in that jurisdiction, plus interest and penalties for nonpayment of property taxes as provided in 15-16-102, during any tax year in which an exemption under the provisions of this section was improper. Any recapture must occur within 10 years after the end of the calendar year in which the exemption was first claimed.
(c) The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

23. Page 8, line 12.
Strike: "(11)"
Insert: "(1)(k)"

24. Page 8.
Following: line 12
Insert: "NEW SECTION. **Section 4. Fiber optic or coaxial cable abatement -- review and comment by local taxing jurisdictions.** The department shall establish a page on its website to enable:

(1) owners of fiber optic or coaxial cable intending to take advantage of the tax abatement provisions in 15-6-135, 15-6-156, and 15-6-219 to notify local governing bodies of the location or locations in which they intend to place in service fiber optic or coaxial cable; and

(2) local governing bodies to post comments on such projects identified by owners of fiber optic or coaxial cable as provided in subsection (1)."
Renumber: subsequent sections

25. Page 8.
Following: line 14
Insert: "NEW SECTION. **Section 6. Codification instruction.** [Section 4] is intended to be codified as an integral part of Title 15, chapter 6, part 2, and the provisions of Title 15, chapter 6, part 2, apply to [section 4]."
Renumber: subsequent sections

And, as amended, do pass.

SB 52, introduced bill, be amended as follows:

1. Title, line 8.
Following: "MARKETPLACES;"
Strike: "AND"

2. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN APPLICABILITY DATE"

3. Page 2, line 24.
Following: "**rate.**"
Strike: "(1)"

4. Page 2, line 26.
Strike: "(2)"

5. Page 2, line 26 through line 27.
Strike: "Sales" on line 26 through "lodging." on line 27

6. Page 3, line 9 through line 13.
Strike: subsection 3 in its entirety

7. Page 5, line 9 through line 11.
Strike: "a" on line 9 through "compensation" on line 11
Insert: "short-term rentals or individual sleeping rooms, suites, camping spaces, or other units offered for overnight lodging periods of less than 30 days to the general public for compensation"

8. Page 5, line 12.
Strike: "includes a facility or"
Insert: "include units located in"

9. Page 5, line 13.
Following: "lodginghouse,"
Strike: "or"

10. Page 5, line 14.
Following: "facility,"
Strike: "or"

11. Page 5, line 18.
Following: "3~~,~~;"
Strike: "or"

12. Page 5, line 19.
Strike: ","
Insert: "; or"

13. Page 5, line 23.
Following: "~~more~~"
Insert: "(iv) rooms or spaces offered separately to the general public for nonlodging purposes, including meeting, conference, or banquet spaces"

14. Page 6, line 3.
Strike: "or"
Insert: "and"

15. Page 6, line 8.
Following: "(~~ii)~~(i)"
Insert: "rental vehicle price discounts allowed and taken;
(ii)"
Renumber: subsequent subsections

16. Page 7, line 16.
Following: "23-2-502~~,~~;"

Insert: "or"

17. Page 7, line 17 through line 18.
Strike: lines 17 and 18 in their entirety
Renumber: subsequent subsections

18. Page 9, line 5.
Strike: "(12)(c)"
Insert: "(12)(d)"

19. Page 9, line 21.
Following: line 20
Insert: "(c) The term does not include:
(i) charges for meals, transportation, entertainment, or any other similar charges; or
(ii) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser."
Renumber: subsequent subsections

20. Page 9, line 21.
Following: "separate"
Strike: "mandatory"

21. Page 9, line 22.
Strike: "use"
Insert: "facilitate the sale or rental of"

22. Page 9, line 23.
Strike: "that"
Insert: "by"

23. Page 9, line 23.
Following: "platform"
Strike: "receives to facilitate the sale or rental"

24. Page 9, line 26.
Strike: "sells"
Insert: "makes sales of"

25. Page 11, line 8 through line 12.
Strike: subsection (d) in its entirety

26. Page 13.
Following: line 18
Insert: "NEW SECTION. **Section 14. Applicability.** [This act] applies to sales made on or after October 1, 2021."

And, as amended, do pass.

HB 23, be amended as follows:

1. Page 4.
Following: line 1
Insert: "(8) Prior to issuance of a tax deed for residential property with an owner-occupied dwelling, and after all other notice requirements have been met, the county treasurer or a designee of the county treasurer shall make reasonable attempts to personally deliver a copy of the notice that was sent by certified mail to the owner-occupant of the property for the purpose of discussing the consequences of a failure to respond. If personal delivery attempts are unsuccessful, the treasurer or designee shall attempt all reasonable means of informing the owner-occupant of the consequences of a failure to respond, including but not limited to a phone call to the owner-occupant or a relative of the owner-occupant."
Renumber: subsequent subsections

And, as amended, be concurred in.

HB 51, be concurred in.
HB 52, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/29/2021

HB 13, introduced by J. Dooling
HB 66, introduced by T. Moore
HB 144, introduced by P. Fielder

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 171, introduced by C. Friedel, B. Bennett, J. Cohenour, J. Ellsworth, F. Garner, E. Hill, S. Hinebauch, C. Hinkle, T. Jacobson, B. Ler, R. Lynch, D. Salomon, J. Schillinger, C. Smith, J. Trebas, K. Zolnikov, referred to Local Government.

The following Senate bill, previously introduced, was referred to committee:

SB 149, introduced by T. McGillvray, J. Ellsworth, C. Smith, referred to Business, Labor, and

Economic Affairs.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 34, introduced by D. Ankney, referred to Energy and Telecommunications.
SR 35, introduced by D. Ankney, referred to Energy and Telecommunications.
SR 36, introduced by D. Ankney, referred to Energy and Telecommunications.
SR 37, introduced by D. Ankney, referred to Energy and Telecommunications.
SR 38, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 39, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 40, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 41, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 42, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 43, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 44, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 45, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 46, introduced by K. Regier, referred to Judiciary.
SR 47, introduced by K. Regier, referred to Judiciary.
SR 48, introduced by K. Regier, referred to Judiciary.
SR 49, introduced by K. Regier, referred to Judiciary.
SR 50, introduced by D. Sands, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 13, introduced by J. Dooling (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 66, introduced by T. Moore (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 144, introduced by P. Fielder, D. Skees, C. Glimm, S. Berglee, B. Brown, J. Hinkle, T. Manzella, M. Noland, B. Tschida, S. Hinebauch, M. Regier, F. Anderson, L. Sheldon-Galloway, J. Trebas, B. Usher, B. Beard, . Duram, J. Fuller, . Knudsen, B. Mitchell, A. Regier, S. Kerns, S. Galloway, S. Gist, C. Hinkle, M. Binkley, C. Friedel, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Glimm in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 81 - Senator K. Regier moved consideration of **SB 81** be passed for the day. Without objection, so ordered.

SR 6 - Senator Hoven moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 6**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SR 8 - Senator Hoven moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 8**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SB 110 - President Blasdel moved consideration of **SB 110** be passed for the day. Without objection, so ordered.

SB 64 - Senator Sands moved **SB 64** do pass. Motion **failed** as follows:

Yeas: Ankney, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 21

Nays: Bennett, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 28

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SB 64 - Majority Leader C. Smith moved **SB 64** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sweeney.
Total 16

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SB 132 - Senator K. Regier moved **SB 132** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar,

Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 20

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SB 80 - Senator K. Regier moved **SB 80** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Boldman, Cohenour, McClafferty, Morigeau, Pomnichowski, Sands, Tempel.
Total 7

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SB 63 - Senator Ankney moved **SB 63** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Gillespie, Molnar.

Total 2

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Glimm moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 39

Nays: Bennett, Boldman, Cohenour, Flowers, Gross, Morigeau, Pomnichowski, Pope, Sands, Webber.
Total 10

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 22 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands,

Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SB 38 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SB 59 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SB 108 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SB 121 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Cuffe.
Total 1

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the coming week:

Sarah Amos from Helena, Montana, sponsored by Senator Vance
Megan Goroski from Helena, Montana, sponsored by Senator Welborn

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, February 2, 2021, the twenty-second legislative day. Motion carried.

Senate adjourned at 1:37 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
TWENTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 2, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator McNally excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/2/2021

Correctly printed: **SB 63**, **SB 80**, **SB 132**, **SB 171**, **SR 6**, **SR 8**, **SR 34**, **SR 35**, **SR 36**, **SR 37**, **SR 38**, **SR 39**, **SR 40**, **SR 41**, **SR 42**, **SR 43**, **SR 44**, **SR 45**, **SR 46**, **SR 47**, **SR 48**, **SR 49**, **SR 50**, **HB 51**, **HB 52**.
Correctly engrossed: **SB 7**, **SB 8**,**SB 52**.
Correctly enrolled: **SR 4**.
Examined by the sponsor and found to be correct: **SB 19**, **SR 4**.
Transmitted to the House: **SB 22**, **SB 38**, **SB 59**, **SB 108**, **SB 121**.

Senator McNally present at this time.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/1/2021
HB 68, be concurred in.

JUDICIARY (Regier, Chair): 2/2/2021
SR 11, be adopted.

STATE ADMINISTRATION (Kary, Chair): 2/1/2021
SB 15, do pass.
SB 130, introduced bill, be amended as follows:

1. Title, line 5 through line 6.
Strike: "REQUIRING" on line 5 through "VIOLATION;" on line 6

2. Title, line 6.
Strike: "PROVIDE"
Insert: "POST"

3. Title, line 7 through line 8.
Following: "VIOLATION" on line 7

Insert: "AND ALLOWING THE COMMISSIONER TO SPECIFY A DEADLINE FOR THE RESPONSE"
Strike: "ALONG" on line 7 through "MCA" on line 8

4. Page 1, line 12.
Following: "**complaint**"
Strike: "**procedure -- firsthand knowledge --**"

5. Page 1, line 13 through line 15.
Following: "**response.**" on line 13
Strike: "(1)" on line 13 through "Each" on line 15
Insert: "A written response to a"

6. Page 1, line 15 through line 17.
Strike: "that" on line 15 through "public" on line 17
Insert: "must be posted"

7. Page 1, line 18.
Following: "website."
Insert: "The commissioner may specify a deadline for the written response by the person who is the subject of the campaign finance complaint."

8. Page 1, line 19 through line 26.
Strike: line 19 through line 26 in their entirety

9. Page 1, line 28 through page 3, line 26.
Strike: section 2 in its entirety
Renumber: subsequent sections

And, as amended, do pass.

SR 13, be adopted.
SR 15, be adopted.
SR 16, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/1/2021

SB 5, introduced by R. Tempel

House bills passed and transmitted to the Senate for concurrence: 2/1/2021

HB 73, introduced by B. Usher
HB 87, introduced by W. McKamey
HB 129, introduced by D. Bedey
HB 137, introduced by R. Marshall
HB 138, introduced by P. Fielder

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 172, introduced by D. Howard, K. Bogner, B. Brown, M. Cuffe, S. Fitzpatrick, T. Gauthier, B. Gillespie, C. Glimm, S. Hinebauch, D. Kary, B. Keenan, T. Manzella, T. McGillvray, B. Molnar, K. Regier, W. Sales, J. Small, C. Smith, G. Vance, referred to Judiciary.
SB 173, introduced by D. Howard, K. Bogner, D. Kary, K. Regier, J. Small, referred to Judiciary.
SB 174, introduced by G. Hertz, S. Berglee, M. Blasdel, S. Fitzpatrick, W. Galt, T. Gauthier, C. Knudsen, K. Zolnikov, referred to Local Government.
SB 175, introduced by D. Kary, referred to State Administration.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 51, introduced by J. Welborn, referred to Natural Resources.
SR 52, introduced by J. Welborn, referred to Natural Resources.
SR 53, introduced by J. Welborn, referred to Natural Resources.
SR 54, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 55, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time, and referred to committees:

HB 73, introduced by B. Usher (by request of the Criminal Justice Oversight Council), referred to Judiciary.
HB 87, introduced by W. McKamey (by request of the Department of Military Affairs), referred to State Administration.
HB 129, introduced by D. Bedey, referred to Taxation.
HB 137, introduced by R. Marshall, J. Hinkle, B. Tschida, J. Trebas, C. Knudsen, S. Kerns, M. Stromswold, C. Hinkle, referred to Business, Labor, and Economic Affairs.
HB 138, introduced by P. Fielder, S. Berglee, B. Brown, J. Hinkle, B. Tschida, S. Hinebauch, D. Loge, R. Fitzgerald, B. Ler, B. Mitchell, S. Gist, C. Hinkle, referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Cuffe in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 81 - Senator K. Regier moved **SB 81** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 110 - Senator Osmundson moved **SB 110** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 9 - Senator Vance moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 9**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: Webber.
Total 1

SR 10 - Senator Vance moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 10**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 129 - Senator Hertz moved **SB 129** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 33

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, Howard, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 115 - Senator K. Regier moved **SB 115** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 116 - Senator Ankney moved **SB 116** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 127 - Senator Friedel moved **SB 127** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 123 - Senator K. Regier moved **SB 123** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Pomnichowski.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 92 - Senator Vance moved **SB 92** do pass. Motion **failed** as follows:

Yeas: Bennett, Brown, Cuffe, Ellsworth, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Kary, Lynch, Manzella, Osmundson, Regier K, Small, Smith C, Vance, Welborn, Mr. President.
Total 20

Nays: Ankney, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Friedel, Gross, Hoven, Howard, Jacobson, Keenan, Lang, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Webber.
Total 30

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 92 - Majority Leader Smith moved **SB 92** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gillespie, Gross, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 38

Nays: Bennett, Brown, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Manzella, Regier K, Smith C, Vance, Mr. President.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 93 - Senator Vance moved **SB 93** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 102 - Senator Manzella moved **HB 102** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, Hoven, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Cuffe moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson,

Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 43

Nays: Bennett, Boland, Flowers, McClafferty, Pomnichowski, Pope, Sands.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 63 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 80 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven,

Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Cohenour, McClafferty, Morigeau, Pomnichowski, Pope.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 132 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

2/2/2021

SB 65, introduced by S. Fitzpatrick

MOTIONS

Majority Leader Smith moved that **SB 110**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Following clarification from the chairman of the Finance and Claims Committee, Majority Leader Smith withdrew the motion.

Majority Leader Smith moved that **SB 81**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Majority Leader Smith withdrew the motion.

Senator Cohenour moved that **SB 81**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, February 3, 2021, the twenty-third legislative day. Motion carried.

Senate adjourned at 3:20 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
TWENTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 3, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/3/2021

Correctly printed: **SB 15**, **SB 81**, **SB 93**, **SB 110**, **SB 115**, **SB 116**, **SB 123**, **SB 127**, **SB 129**, **SB 172**, **SB 173**, **SB 174**, **SB 175**, **SR 9**, **SR 10**, **SR 11**, **SR 13**, **SR 15**, **SR 16**, **SR 51**, **SR 52**, **SR 53**, **SR 54**, **SR 55**, **HB 68**.
Correctly engrossed: **SB 51**, **SB 130**.
Correctly enrolled: **SB 5**, **SR 5**, **SR 6**, **SR 8**.
Examined by the sponsor and found to be correct: **SB 5**, **SR 5**, **SR 6**, **SR 8**.
Transmitted to the House: **SB 63**, **SB 80**, **SB 132**, **HB 102**.
Signed by the Secretary of the Senate at 4:35 p.m., February 2, 2021: **SB 19**, **SR 4**.
Signed by the President at 7:45 a.m., February 3, 2021: **SB 19**, **SR 4**.
Delivered to the Secretary of State at 11:57 a.m., February 3, 2021: **SR 4**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/3/2021
HB 153, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 2/2/2021
HB 62, be concurred in.
HB 96, be concurred in.

JUDICIARY (Regier, Chair): 2/3/2021
SB 83, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "WHEELED OFF-ROAD VEHICLES"
Insert: "FORESTRY EQUIPMENT"

1. Page 2, line 12.
Following: "lien."
Insert: "The person desiring to assert a special lien upon the property must also file a financing statement in the office designated for filing as provided in 30-9A-501."

2. Page 2, line 16.
Strike: line 16 in its entirety
Renumber: subsequent subsections

3. Page 2, line 17.
Following: "equipment"
Insert: "; and
(iv) forestry equipment "
Following: line 17
Insert: "(d) The special lien created under subsection (2)(c) may not take precedence over perfected security interests under the Uniform Commercial Code--Secured Transactions or other recorded liens on the property involved unless, within 30 days from the time of the completion of the service, repair, or improvement of the property, the person desiring to assert a special lien upon the property gives notice in writing to the secured party or other lienholder stating the intention to assert a special lien on the property under the terms of subsection (2)(c) and stating the nature and approximate amount of the work performed or other services furnished and the cost of any parts, accessories, or equipment installed. Service may be made either by personal service or by mailing by registered or certified mail a copy of the notice to the secured party or other lienholder at the last-known post-office address. Service must be considered complete upon the deposit of the notice in the post office."

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 1, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-302, I submit to you and the Montana Senate the following cabinet appointments for confirmation.

- Department of Administration, Director, Ms. Misty A. Giles, MistyAnn.giles@mt.gov, Helena, Montana whose appointment is effective January 18, 2021.

I have included Ms. Giles' resume for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, and Karli Hill, my Engagements Director, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or liane.taylor@mt.gov. Ms. Hill can be reached at extension 4521 or karli.hill@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/2/2021

SB 1, introduced by D. Kary
SB 21, introduced by E. McClafferty

House bills passed and transmitted to the Senate for concurrence: 2/2/2021

HB 141, introduced by C. Keogh
HB 178, introduced by D. Bedey

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 56, introduced by D. Howard, referred to Public Health, Welfare and Safety.
SR 57, introduced by D. Howard, referred to Public Health, Welfare and Safety.
SR 58, introduced by J. Welborn, referred to Natural Resources.
SR 59, introduced by S. Hinebauch, referred to Fish and Game.

The following House bills were introduced, read first time, and referred to committees:

HB 141, introduced by C. Keogh, S. Fitzpatrick, T. Manzella, referred to Highways and Transportation.
HB 178, introduced by D. Bedey, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Esp in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 125 - Senator Cuffe moved **SB 125** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Brown.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 33 - Senator McNally moved **SB 33** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 48

Nays: Glimm, Welborn.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 43 - Senator Sands moved **SB 43** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Mr. President.
Total 45

Nays: Glimm, Manzella, Smith C, Vance, Welborn.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 65 - **House Amendments** - Senator Fitzpatrick moved House amendments to **SB 65** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee

arose. Senate resumed. President Blasdel presiding.

Chair Esp moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Gross, Molnar, Pomnichowski.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 93 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 110 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 115 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Sweeney, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 116 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 123 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Pomnichowski, Pope.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 127 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 129 passed as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, Howard, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 102 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, February 4, 2021, the twenty-fourth legislative day. Motion carried.

Senate adjourned at 1:40 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
TWENTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 4, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/4/2021

Correctly printed: **SB 33**, **SB 43**, **SB 125**, **SR 56**, **SR 57**, **SR 58**, **SR 59**, **HB 62**, **HB 96**, **HB 153**.
Correctly engrossed: **SB 83**.
Correctly enrolled: **SB 21**, **SR 9**, **SR 10**.
Examined by the sponsor and found to be correct: **SR 9**, **SR 10**.
Transmitted to the House: **SB 93**, **SB 110**, **SB 115**, **SB 116**, **SB 123**, **SB 127**, **SB 129**.
Signed by the Secretary of the Senate at 3:30 p.m., February 3, 2021: **SR 5**, **SR 6**, **SR 8**.
Signed by the President at 4:30 p.m., February 3, 2021: **SR 5**, **SR 6**, **SR 8**.
Delivered to the Secretary of State at 11:15 a.m., February 4, 2021: **SR 5**, **SR 6**, **SR 8**.
Delivered to the Governor at 11:20 a.m., February 4, 2021: **SR 4**.
Delivered to the Governor at 11:21 a.m., February 4, 2021: **SR 5**, **SR 6**, **SR 8**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/3/2021
HB 26, be concurred in.
HB 32, be concurred in.
HB 33, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/3/2021
SB 155, do pass.
HB 70, be concurred in.

STATE ADMINISTRATION (Kary, Chair): 2/3/2021
SB 89, introduced bill, be amended as follows:

1. Title, line 5 through line 6.
Strike: "PROVIDING" on line 5 through "ORGANIZATION;" on line 6

2. Title, line 6.
Following: "DUES;"

Insert: "AND"

3. Title, line 7.
Following: "SECTIONS"
Strike: "39-31-101,"
Following: "39-31-203"
Strike: ","
Insert: "AND"
Following: "39-31-401"
Strike: ", AND 39-31-402"

4. Title, line 7 through line 8.
Strike: "; AND" on line 7 through "MCA" on line 8

5. Page 1, line 12 through line 27.
Strike: section 1 and section 2 in their entirety
Renumber: subsequent sections

6. Page 2, line 10 through line 11.
Strike: "[section" on line 10 through "and" on line 11

7. Page 2, line 25 through page 3, line 14.
Strike: section 5, section 6, and section 7 in their entirety

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/3/2021

HB 116, introduced by V. Ricci
HB 130, introduced by D. Bedey
HB 177, introduced by F. Garner
HB 193, introduced by J. Patelis
HB 199, introduced by D. Harvey
HB 200, introduced by K. Holmlund
HB 215, introduced by C. Knudsen
HB 234, introduced by M. Stromswold

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 176, introduced by B. Molnar, J. Small, referred to Energy and Telecommunications.
SB 177, introduced by D. Sands, referred to Judiciary.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 60, introduced by S. Hinebauch, referred to Fish and Game.
SR 61, introduced by S. Hinebauch, referred to Fish and Game.
SR 62, introduced by S. Hinebauch, referred to Fish and Game.
SR 63, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.
SR 64, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.
SR 65, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.
SR 66, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.
SR 67, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.
SR 68, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time, and referred to committees:

HB 116, introduced by V. Ricci, referred to Judiciary.
HB 130, introduced by D. Bedey, referred to Business, Labor, and Economic Affairs.
HB 177, introduced by F. Garner, R. Fitzgerald, referred to Business, Labor, and Economic Affairs.
HB 193, introduced by J. Patelis, referred to Business, Labor, and Economic Affairs.
HB 199, introduced by D. Harvey, referred to Business, Labor, and Economic Affairs.
HB 200, introduced by K. Holmlund, D. Bedey, M. Blasdel, K. Bogner, J. Dooling, J. Ellsworth, W. Galt, F. Garner, S. Gist, E. Hill, M. Hopkins, D. Howard, L. Jones, D. Loge, B. Mercer, B. Phalen, J. Schillinger, J. Small, B. Usher, G. Vance, T. Welch, K. Whitman, referred to Judiciary.
HB 215, introduced by C. Knudsen, D. Skees, J. Read, G. Vance, M. Blasdel, L. Jones, G. Hertz, W. Galt, F. Garner, J. Hinkle, W. McKamey, V. Ricci, B. Tschida, D. Fern, M. Regier, D. Bartel, B. Usher, T. Welch, L. Bishop, F. Fleming, . Duram, J. Fuller, . Knudsen, J. Kassmier, B. Ler, B. Phalen, J. Carlson, B. Mitchell, P. Fielder, S. Gist, M. Stromswold, C. Hinkle, G. Frazer, R. Marshall, referred to Judiciary.
HB 234, introduced by M. Stromswold, K. Zolnikov, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Friedel in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 11 - Senator Vance moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 11**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 13 - Senator Kary moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 13**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 15 - Senator Kary moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 15**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Gross.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 16 - Senator Kary moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 16**.

SR 16 - Senator Kary moved **SR 16**, second reading copy, be amended as follows:

1. Page 1, line 12.
Strike: "2025"
Insert: "2026"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SR 16 - As amended, **SR 16**, was adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 15 - Senator Ellis moved **SB 15** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Mr. President.
Total 38

Nays: Brown, Ellsworth, Friedel, Glimm, Hinebauch, Howard, Keenan, McGillvray, Osmundson, Smith C, Vance, Welborn.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB **130** - Senator Manzella moved **SB 130** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 8 - Senator Cohenour moved **SB 8** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Esp, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 37

Nays: Ankney, Brown, Ellsworth, Fitzpatrick, Glimm, Hinebauch, Howard, Kary, McGillvray, Osmundson, Regier K, Smith C, Vance.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Friedel moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch,

Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 33 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Mr. President.
Total 44

Nays: Brown, Glimm, Hinebauch, Keenan, Vance, Welborn.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 43 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch,

McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 39

Nays: Brown, Esp, Fitzpatrick, Glimm, Hinebauch, Keenan, Manzella, Smith C, Vance, Welborn, Mr. President.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 65, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 125 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Friday, February 5, 2021, the twenty-fifth legislative day. Motion carried.

Senate adjourned at 1:39 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
TWENTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 5, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/5/2021

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixteenth through the twentieth legislative days, find the same to be correct.

Correctly printed: **SB 8**, **SB 15**, **SB 130**, **SB 155**, **SB 176**, **SB 177**, **SR 11**, **SR 13**, **SR 15**, **SR 60**, **SR 61**, **SR 62**, **SR 63**, **SR 64**, **SR 65**, **SR 66**, **SR 67**, **SR 68**, **HB 26**, **HB 32**, **HB 33**, **HB 70**.
Correctly engrossed: **SB 89**, **SR 16**.
Correctly enrolled: **SB 1**.
Examined by the sponsor and found to be correct: **SB 1**, **SB 21**.
Transmitted to the House: **SB 33**, **SB 43**, **SB 125**.
Signed by the Secretary of the Senate at 4:35 p.m., February 4, 2021: **SR 9**, **SR 10**.
Signed by the President at 4:45 p.m., February 4, 2021: **SR 9**, **SR 10**.
Delivered to the Secretary of State at 11:47 a.m., February 5, 2021: **SR 9**, **SR 10**.
Delivered to the Governor at 2:10 p.m., February 5, 2021: **SR 9**, **SR 10**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Lang, Chair): 2/4/2021
SB 98, do pass.
SB 106, introduced bill, be amended as follows:

1. Page 1, line 25.
Strike: "5,000"
Insert: "4,500"

2. Page 1, line 26.
Following: "within"
Strike: "a consecutive period of time that may begin"

3. Page 1, line 27.
Strike: "end in"

4. Page 2, line 18.
Following: "**technician**"
Strike: "**or support staff**"

5. Page 2, line 20.
Following: "technician"
Strike: "or support staff"

6. Page 2, line 26.
Following: "technician"
Strike: "or support staff"

7. Page 4, line 11.
Strike: "or support staff"

8. Page 4, line 14.
Following: "technician"
Strike: "or support staff"

9. Page 7, line 6.
Following: "technician"
Strike: "or support staff"

10. Page 7, line 28.
Strike: "2022"
Insert: "2023"

And, as amended, do pass.

SR 55, be adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/5/2021
SB 137, introduced bill, be amended as follows:

1. Page 2, line 14.
Strike: "January 15"
Insert: "July 1"

2. Page 3, line 7 through line 9.
Strike: "all" on line 7 through "cost" on line 9
Insert: "a statement regarding the factor or factors that caused the increase in the wholesale acquisition cost and an explanation of the role of each factor's impact on the cost"

3. Page 3, line 19.

Strike: "June 1"
Insert: "July 1"

4. Page 4, line 10.
Strike: "June 15"
Insert: "July 1"

And, as amended, do pass.

SB 144, do pass.
SB 156, do pass.
HB 80, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/4/2021
SR 34, be adopted.
SR 35, be adopted.
SR 36, be adopted.
SR 37, be adopted.

FINANCE AND CLAIMS (Osmundson, Chair): 2/4/2021
SB 72, do pass.

FISH AND GAME (Hinebauch, Chair): 2/4/2021
SB 60, introduced bill, be amended as follows:

1. Title, line 7.
Following: line 6
Insert: "ESTABLISHING THE TRAPPER EDUCATION COMMITTEE;"

2. Page 1, line 14.
Following: "(1)"
Insert: "(a)"

3. Page 1, line 14 through line 16.
Following: "(2)," on line 14
Strike: remainder of line 14 through line 16 in their entirety
Insert: "a Class C trapper's license may not be issued to a resident unless the license agent processing the application determines proof of:
(i) the applicant's purchase of a trapper's license in three prior trapping seasons; or
(ii) completion of a trapper education course established pursuant to this section or otherwise approved by the trapper education committee.
(b) Neither the department nor a license agent is required to provide records of past Montana trapper's license purchases prior to 1990 or for trapping licenses purchased in another state."

4. Page 1, line 17.
Following: "resident"
Strike: "born after January 1, 1985,"

5. Page 1, line 26.
Following: "species;"
Strike: "and"

6. Page 1, line 27.
Following: "wolves"
Insert: "; and
(c) be reviewed and, as needed, revised by the trapper education committee established in subsection (6)"

7. Page 2, line 5.
Strike: "department"
Insert: "trapper education committee established in subsection (6)"

8. Page 2.
Following: line 6
Insert: "(6) The department shall establish a trapper education committee consisting of three active, certified trapper instructors, two of whom are members of the Montana trappers association, and three department staff knowledgeable in trapping. The committee shall review and revise trapper education course content and certify new trapper education instructors.
(7) As part of the department's trapper licensing procedures, the department shall notify the public of the requirements of this section."

And, as amended, do pass.

SB 105, introduced bill, be amended as follows:

1. Page 1, line 19 through line 20.
Strike: line 19 in its entirety through "horns" on line 20

2. Page 1, line 22.
Following: "forfeiture"
Insert: " if:
(a) the trespass occurs on property owned or administered by the department of fish, wildlife, and parks; or
(b) the trespass on any property occurs while the person is hunting, fishing, trapping, or collecting or attempting to collect antlers, antler sheds, or animal horns"

And, as amended, do pass.

SB 111, introduced bill, be amended as follows:

1. Title, line 6.
Following: "FEE,"
Insert: "EDUCATION,"

2. Title, line 8.
Following: "87-1-301,"
Insert: "87-2-105,"

3. Page 1, line 23.
Strike: "bowhunter"
Insert: "crossbow"

4. Page 7.
Following: line 4
Insert: "**Section 4.** Section 87-2-105, MCA, is amended to read:

"**87-2-105. Safety instruction required.** (1) Except for a youth who qualifies for a license pursuant to 87-2-805(4) or a person who has been issued an apprentice hunting certificate pursuant to 87-2-810, a hunting license may not be issued to a person born after January 1, 1985, unless the person authorized to issue the license determines proof of completion of:

(a) a Montana hunter safety and education course established in subsection (4) or (6);

(b) a hunter safety course in any other state or province; or

(c) a Montana hunter safety and education course that qualifies the person for a provisional certificate as provided in 87-2-126.

(2) A hunting license may not be issued to a member of the regular armed forces of the United States or to a member of the armed forces of a foreign government attached to the armed forces of the United States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to a member's spouse or dependent, as defined in 15-30-2115, who resides in the member's household, unless the person authorized to issue the license determines proof of completion of a hunter safety course approved by the department or a hunter safety course in any state or province.

(3) A bow and arrow license may not be issued to a resident or nonresident unless the person authorized to issue the license receives an archery license issued for a prior hunting season or determines proof of completion of a bowhunter education course from the national bowhunter education foundation or any other bowhunter education program approved by the department. Neither the department nor the license agent is required to provide records of past archery license purchases. As part of the department's bow and arrow licensing procedures, the department shall notify the public regarding bowhunter education requirements.

(4) The department shall provide for a hunter safety and education course that includes instruction in the safe handling of firearms and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of hunter safety and education. The department may designate as an instructor any person it finds to be competent to give instructions in hunter safety and education, including the handling of firearms. A person

appointed shall give the course of instruction and shall issue a certificate of completion from Montana's hunter safety and education course to a person successfully completing the course.

(5) The department shall provide for a course of instruction from the national bowhunter education foundation or any other bowhunter education program approved by the department and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of safety in the handling of bow hunting tackle. The department may designate as an instructor any person it finds to be competent to give bowhunter education instruction. A person appointed shall give the course of instruction and shall issue a certificate of completion to a person successfully completing the course.

(6) The department may develop an adult hunter safety and education course.

(7) A permit to hunt with a crossbow may not be issued pursuant to [section 1] unless the department receives an archery license issued for 1 of the past 3 years or determines proof of completion of a crossbow education course from a crossbow education program approved by the department. Neither the department nor a license agent is required to provide records of past archery license purchases. As part of the department's licensing procedures, the department shall notify the public regarding crossbow education requirements.

~~(7)~~ (8) The department may adopt rules regarding how a person authorized to issue a license determines proof of completion of a required course.""

Renumber: subsequent sections

And, as amended, do pass.

HB 119, be concurred in.

JUDICIARY (Regier, Chair): 2/5/2021

SB 158, introduced bill, be amended as follows:

1. Title, line 6.
Following: "SECTIONS"
Strike: "45-8-317,"
Following: "45-8-328"
Strike: ","

2. Page 1, line 16 through page 2, line 7.
Strike: section 2 in its entirety
Renumber: subsequent sections

3. Page 2, line 23.
Strike: "subsection (1)(a)"
Insert: "subsection (1)"

4. Page 3, line 14 through line 18.
Strike: line 14 through "45-8-317." on line 18

Insert: "(c) A local ordinance enacted pursuant to this section may not prohibit a senator or representative of the state legislature from carrying a handgun as provided in [section 1]."

And, as amended, do pass.

SB 168, do pass.

TAXATION (Hoven, Chair): 2/5/2021
SB 126, introduced bill, be amended as follows:

1. Page 2, line 17 through line 18.
Strike: "that" on line 17 through "years" on line 18

And, as amended, do pass.

HB 53, be amended as follows:

1. Page 8, line 23.
Strike: "date the federal changes become"
Following: "final"
Insert: "determination date"
Following: "or the"
Insert: "date the"

2. Page 9, line 17.
Following: "tax"
Strike: "arising from federal adjustments made by the internal revenue service"

3. Page 9, line 19.
Strike: "15-30-2606 or 15-30-2607, including any extensions"
Insert: "subsection (2)(a)"

4. Page 10, line 25.
Strike: "receiving notice of the change or correction"
Insert: "the final determination date"

5. Page 11, line 10.
Strike: "receiving official notice of the change or correction"
Insert: "the final determination date"

6. Page 11, line 27.
Strike: "federal changes have become"
Following: "final"
Insert: "determination date"
Following: "or"

Insert: "the date"

7. Page 12, line 2.
Strike: "federal changes become"
Following: "final"
Insert: "determination date"
Following: "or the"
Insert: "date the"

8. Page 12, line 13.
Following: "tax"
Strike: "arising from federal adjustments made by the internal revenue service"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/4/2021

SB 4, introduced by J. Small
SB 14, introduced by J. Ellis
SB 26, introduced by B. Gillespie
SB 50, introduced by D. Sands

House bills passed and transmitted to the Senate for concurrence: 2/4/2021

HB 15, introduced by F. Anderson
HB 35, introduced by S. Stewart Peregoy
HB 143, introduced by L. Jones
HB 164, introduced by C. Keogh
HB 180, introduced by W. Curdy
HB 195, introduced by V. Ricci
HB 197, introduced by E. Buttrey
HB 211, introduced by G. Frazer
HB 213, introduced by J. Keane
HB 214, introduced by F. Anderson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 178, introduced by C. Friedel, M. Blasdel, J. Ellsworth, S. Fitzpatrick, G. Hertz, M. Lang, T. McGillvray, R. Tempel, referred to Judiciary.
SB 179, introduced by P. Flowers, B. Gillespie, referred to Energy and Telecommunications.
SB 180, introduced by P. Flowers, referred to Natural Resources.
SB 181, introduced by G. Hertz, S. Berglee, M. Blasdel, B. Brown, E. Buttrey, J. Carlson, J. Ellsworth, S. Fitzpatrick, J. Fuller, W. Galt, F. Garner, B. Hoven, L. Jones, D. Kary, J. Kassmier, C. Knudsen, B. Mercer, T. Moore, F. Nave, K. Regier, D. Skees, C. Smith, J. Trebas, B. Usher, G. Vance, T. Welch, referred to Taxation.
SB 182, introduced by G. Hertz, M. Blasdel, J. Ellsworth, S. Fitzpatrick, W. Galt, L. Jones, C. Knudsen, M. Noland, D. Skees, C. Smith, B. Usher, S. Vinton, referred to Taxation.
SB 183, introduced by G. Hertz, referred to Energy and Telecommunications.
SB 184, introduced by M. Blasdel, B. Beard, E. Buttrey, J. Dooling, J. Ellsworth, S. Fitzpatrick, W. Galt, F. Garner, G. Hertz, B. Hoven, D. Kary, C. Knudsen, R. Osmundson, C. Smith, G. Vance, S. Vinton, T. Welch, referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 5, introduced by S. Webber, referred to State Administration.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 69, introduced by B. Hoven, referred to Taxation.
SR 70, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.
SR 71, introduced by D. Howard, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 15, introduced by F. Anderson (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 35, introduced by S. Stewart Peregoy (by request of the State-Tribal Relations Committee), referred to Judiciary.
HB 143, introduced by L. Jones, D. Salomon, J. Windy Boy, M. Caferro, C. Smith, M. Blasdel, J. Cohenour, W. Galt, G. Custer, K. Holmlund, W. McKamey, D. Loge, F. Anderson, S. Vinton, K. Abbott, J. Fuller, . Harvey, K. Bogner, J. Kassmier, D. Bedey, K. Zolnikov, M. Bertoglio, referred to Education and Cultural Resources.
HB 164, introduced by C. Keogh, S. Greef, referred to Judiciary.
HB 180, introduced by W. Curdy, referred to Business, Labor, and Economic Affairs.
HB 195, introduced by V. Ricci, referred to Business, Labor, and Economic Affairs.
HB 197, introduced by E. Buttrey, F. Garner, referred to Business, Labor, and Economic Affairs.
HB 211, introduced by G. Frazer, E. Buttrey, F. Garner, W. McKamey, J. Trebas, C. Knudsen, T. Welch, M. Hopkins, . Duram, M. Weatherwax, M. Sweeney, B. Putnam, B. Phalen, S. Galloway, K. Seekins-Crowe, A. Buckley, M. Binkley, referred to Judiciary.
HB 213, introduced by J. Keane, referred to Business, Labor, and Economic Affairs.
HB 214, introduced by F. Anderson, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lang in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 118 - Senator Gauthier moved **SB 118** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 83 - Senator Hoven moved **SB 83** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 41 - Senator Boland moved **HB 41** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Glimm, Howard, McGillvray.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 79 - Senator Small moved **HB 79** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Keenan, McGillvray, Smith C.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 45 - Senator McClafferty moved **HB 45** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Cuffe, Hoven, Regier K.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 54 - Senator McClafferty moved **HB 54** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 60 - Senator Sands moved **HB 60** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 23 - Senator C. Smith moved **HB 23** be concurred in.

HB 23 - Senator O'Brien moved **HB 23**, second reading copy, be amended as follows:

1. Page 4, line 3.
Following: "MET, THE"
Insert: "sheriff, the"
Following: "TREASURER"
Insert: ","
Following: "OF THE"
Insert: "sheriff or"

2. Page 4, line 6.
Following: "THE"
Insert: "sheriff, county"
Following: "TREASURER"
Insert: ","

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 47

Nays: Esp, Glimm, Welborn.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 23 - As amended, **HB 23** was concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 51 - Senator Cohenour moved **HB 51** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Glimm, Keenan.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Lang moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 8 failed as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Sweeney, Webber.
Total 20

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 15 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 41

Nays: Brown, Esp, Glimm, Hinebauch, Keenan, Lang, McGillvray, Smith C, Vance.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 130 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Monday, February 8, 2021, the twenty-sixth legislative day. Motion carried.

Senate adjourned at 1:46 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
TWENTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 8, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Howard excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/8/2021

Correctly printed: **SB 72**, **SB 83**, **SB 98**, **SB 118**, **SB 144**, **SB 156**, **SB 168**, **SB 178**, **SB 179**, **SB 180**, **SB 181**, **SB 182**, **SB 183**, **SB 184**, **SJ 5**, **SR 34**, **SR 35**, **SR 36**, **SR 37**, **SR 55**, **SR 69**, **SR 70**, **SR 71**, **HB 41**, **HB 45**, **HB 51**, **HB 54**, **HB 60**, **HB 79**, **HB 80**, **HB 119**.
Correctly engrossed: **SB 60**, **SB 105**, **SB 106**, **SB 111**, **SB 126**, **SB 137**, **SB 158**, **HB 23**, **HB 53**.
Transmitted to the House: **SB 15**, **SB 130**.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Keenan, Chair): 2/8/2021
SB 120, do pass.
SB 122, do pass.
SB 128, introduced bill, be amended as follows:

1. Page 1, line 16.
Following: "agency."
Insert: "However, this subsection (1)(b) does not prevent the legislative auditor from seeking feedback of state agencies for the purposes of evaluating the performance of employees of the legislative audit division."

And, as amended, do pass.

LOCAL GOVERNMENT (Gauthier, Chair): 2/5/2021
SB 135, do pass.
SB 171, do pass.
HB 104, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/5/2021

SB 3, introduced by J. Small
SB 6, introduced by J. Cohenour
SB 30, introduced by M. Blasdel
SB 34, introduced by J. Cohenour
SB 35, introduced by B. Hoven

House bills passed and transmitted to the Senate for concurrence: 2/5/2021

HB 98, introduced by S. Stewart Peregoy
HB 173, introduced by D. Loge
HB 176, introduced by S. Greef
HB 184, introduced by D. Loge
HB 229, introduced by J. Gillette
HB 256, introduced by M. Binkley

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 185, introduced by D. Howard, P. Fielder, B. Gillespie, T. Moore, V. Ricci, J. Small, S. Vinton, referred to Judiciary.
SB 186, introduced by C. Friedel, referred to Business, Labor, and Economic Affairs.
SB 187, introduced by M. Sweeney, E. Boldman, J. Cohenour, M. Fox, J. Gross, S. O'Brien, referred to Business, Labor, and Economic Affairs.
SB 188, introduced by M. Lang, referred to Education and Cultural Resources.
SB 189, introduced by K. Bogner, referred to Business, Labor, and Economic Affairs.
SB 190, introduced by T. Gauthier, referred to Business, Labor, and Economic Affairs.
SB 191, introduced by R. Osmundson, referred to Finance and Claims.
SB 192, introduced by R. Osmundson, referred to Finance and Claims.
SB 193, introduced by S. Hinebauch, referred to Taxation.
SB 194, introduced by K. Regier, referred to Judiciary.
SB 195, introduced by T. McGillvray, referred to Judiciary.
SB 196, introduced by T. McGillvray, referred to State Administration.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 72, introduced by D. Howard, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 98, introduced by S. Stewart Peregoy (by request of the State-Tribal Relations Committee), referred to Judiciary.
HB 173, introduced by D. Loge, referred to Natural Resources.
HB 176, introduced by S. Greef, M. Cuffe, D. Skees, D. Salomon, J. Read, S. Fitzpatrick, D. Kary, T. McGillvray, D. Howard, K. Regier, C. Smith, G. Vance, J. Welborn, B. Hoven, M. Blasdel, D. Ankney, B. Keenan, B. Molnar, C. Glimm, G. Hertz, B. Brown, F. Garner, K. Holmlund, T. Manzella, W. McKamey, S. Hinebauch, R. Fitzgerald, F. Anderson, J. Patelis, W. Sales, B. Beard, J. Small, T. Gauthier, M. Hopkins, R. Tempel, J. Ellsworth, J. Fuller, J. Dooling, B. Gillespie, B. Mitchell, P. Fielder, S. Galloway, J. Schillinger, C. Hinkle, K. Walsh, M. Bertoglio, M. Binkley, K. Whitman, C. Friedel, referred to State Administration.
HB 184, introduced by D. Loge, referred to Highways and Transportation.
HB 229, introduced by J. Gillette, referred to Judiciary.
HB 256, introduced by M. Binkley, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gross in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 155 - Senator Jacobson moved **SB 155** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 51 - Senator Ellsworth moved **SB 51** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, Keenan, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 52 - Senator Ellsworth moved **SB 52** do pass. Motion carried as follows:

Yeas: Ankney, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Bennett, Bogner, Pomnichowski.
Total 3

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 74 - Senator Gillespie moved **HB 74** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 153 - Senator Sweeney moved **HB 153** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 68 - Senator Bogner moved **HB 68** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 26 - Senator McClafferty moved **HB 26** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Glimm.
Total 1

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 62 - Senator Cuffe moved **HB 62** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 44

Nays: Brown, Glimm, Hinebauch, Manzella, Vance.
Total 5

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Gross moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 83 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Osmundson.
Total 1

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 118 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 18

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 41 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 45

Nays: Glimm, Hinebauch, McGillvray, Vance.
Total 4

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 45 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 51 concurred in as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Mr. President.
Total 43

Nays: Ankney, Glimm, Hinebauch, Manzella, Vance, Welborn.
Total 6

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 54 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally,

Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 60 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 79 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 44

Nays: Keenan, Lynch, McGillvray, Salomon, Smith C.

Total 5

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 52**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 51**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the coming week:

Savanna Sanderson from Libby, MT, sponsored by Senator Cuffe
Klaire Krumwiede from Glasgow, MT, sponsored by Senator Lang
Pason Gage from Laurel, MT, sponsored by Senator Molnar

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, February 9, 2021, the twenty-seventh legislative day. Motion carried.

Senate adjourned at 1:49 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
TWENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 9, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/9/2021

Correctly printed: **SB 51**, **SB 52**, **SB 120**, **SB 122**, **SB 135**, **SB 155**, **SB 171**, **SB 185**, **SB 186**, **SB 187**, **SB 188**, **SB 189**, **SB 190**, **SB 191**, **SB 192**, **SB 193**, **SB 194**, **SB 195**, **SB 196**, **SR 72**, **HB 26**, **HB 62**, **HB 68**, **HB 74**, **HB 104**, **HB 153**.
Correctly engrossed: **SB 128**, **SB 169**.
Correctly enrolled: **SB 26**, **SB 65**, **SR 11**.
Examined by the sponsor and found to be correct: **SB 26**, **SB 65**, **SR 11**.
Transmitted to the House: **SB 83**, **SB 118**, **HB 41**, **HB 45**, **HB 51**, **HB 54**, **HB 60**, **HB 79**.
Signed by the Secretary of the Senate at 12:48 p.m., February 9, 2021: **SB 65**.
Signed by the Secretary of the Senate at 2:20 p.m., February 9, 2021: **SR 11**.
Signed by the President at 12:53 p.m., February 9, 2021: **SB 65**.
Signed by the President at 2:30 p.m., February 9, 2021: **SR 11**.
Signed by the Speaker at 2:25 p.m., February 9, 2021: **SB 65**.
Delivered to the Governor for signature at 2:33 p.m., February 9, 2021: **SB 65**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/9/2021
SB 149, introduced bill, be amended as follows:

1. Page 1, line 19 through line 20.
Strike: "and" on line 19 through "resides" on line 20

2. Page 2, line 5.
Strike: "three"
Insert: "six"

3. Page 2, line 7.
Following: "applications"
Strike: ", marketing materials,"

4. Page 2, line 8.

Following: "states"
Insert: "in substance"

And, as amended, do pass.

SB 166, do pass.
SB 167, do pass.
SR 27, be adopted.
SR 28, be adopted.
SR 29, introduced resolution, be amended as follows:

1. Page 1, line 13.
Strike: "Ytturi"
Insert: "Yturri"

And, as amended, be adopted.

SR 30, be adopted.
SR 31, introduced resolution, be amended as follows:

1. Page 1, line 12.
Strike: "Springer"
Insert: "Stringer"

And, as amended, be adopted.

HB 63, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/8/2021
HB 100, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 2/8/2021
SR 52, be adopted.
SR 53, be adopted.

STATE ADMINISTRATION (Kary, Chair): 2/8/2021
SB 113, do pass.
SB 169, introduced bill, be amended as follows:

1. Page 2, line 27.
Following: "judge"
Strike: "a"
Insert: "one of the following forms of"

2. Page 2, line 28.

Following: "~~identification~~"
Strike: ", including but not limited to"
Insert: ":"

3. Page 3, line 1.
Following: "license,"
Strike: "or"
Insert: "valid"

4. Page 4, line 5.
Following: "name"
Strike: ". The photo identification may be but is not limited to"
Insert: "from the following list:"

5. Page 4, line 6.
Following: "license"
Insert: ","
Following: "license"
Strike: "or"
Insert: "valid"

6. Page 4, line 7.
Following: "copy of"
Insert: "a"
Following: "identification"
Insert: "from this list"

And, as amended, do pass.

SB 170, do pass.
SR 22, be adopted.
SR 25, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

January 13, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Section 5-5-302, I submit to you and the Montana Senate the following cabinet appointment for confirmation:

- Department of Commerce, Director, Mr. Scott Osterman, P.O. Box 308, Whitefish, MT 59937, appointed January 11, 2021.

I have included Mr. Osterman's resume for your consideration.

We did not include Major General J. Peter Hronek's resume and letter of appointment with our January 5, 2021 letter requesting his confirmation. Major General Hronek's information is enclosed with this letter.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as the appointment moves through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/8/2021

SB 36, introduced by G. Hertz
SB 41, introduced by S. Webber
SB 45, introduced by M. Blasdel
SB 68, introduced by S. Fitzpatrick

House bill passed and transmitted to the Senate for concurrence: 2/8/2021

HB 221, introduced by A. Buckley

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 197, introduced by J. Ellis, referred to Energy and Telecommunications.
SB 198, introduced by J. Cohenour, referred to Highways and Transportation.
SB 199, introduced by G. Hertz, S. Berglee, M. Binkley, M. Blasdel, K. Bogner, B. Brown, M. Caferro, J. Carlson, M. Cuffe, J. Ellsworth, C. Friedel, J. Fuller, S. Galloway, W. Galt, J. Gillette, C. Glimm, E. Hill, S. Hinebauch, C. Hinkle, J. Hinkle, J. Kassmier, B. Keenan, C. Knudsen, R. Knudsen, M. Lang, D. Lenz, T. Manzella, T. McGillvray, B. Phalen, J. Read, D. Salomon, J. Schillinger, L. Sheldon-Galloway, D. Skees, C. Smith, M. Stromswold, R. Tempel, J. Trebas, B. Tschida, K. Zolnikov, referred to Public Health, Welfare and Safety.
SB 200, introduced by D. Sands, referred to Judiciary.
SB 201, introduced by S. Fitzpatrick, referred to Energy and Telecommunications.
SB 202, introduced by W. Sales, B. Brown, C. Glimm, D. Kary, B. Keenan, T. Manzella, referred to State Administration.
SB 203, introduced by K. Bogner, B. Bennett, C. Knudsen, B. Ler, K. Sullivan, K. Zolnikov, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 6, introduced by J. Ellis, referred to Natural Resources.

The following House bill was introduced, read first time, and referred to committee:

HB 221, introduced by A. Buckley, G. Custer, F. Garner, F. Anderson, E. Kerr-Carpenter, B. Putnam, B. Mitchell, P. Fielder, G. Frazer, D. Tenenbaum, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Small in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 55 - Senator Lang moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 55**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales,

Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 34 - Senator Ankney moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 34**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 35 - Senator Ankney moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 35**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 36 - Senator Ankney moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 36**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 37 - Senator Ankney moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 37**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 106 - Senator Sales moved **SB 106** do pass.

SB 106 - Majority Leader Smith moved consideration of **SB 106** be passed for the day. Without objection, so ordered.

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Small moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 72 passed as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary,

Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Bennett, Boldman, Ellis, Gross, Pomnichowski.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 155 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 23 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 26 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 42

Nays: Brown, Cuffe, Glimm, Hinebauch, Howard, Keenan, Manzella, Welborn.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 62 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 45

Nays: Brown, Glimm, Hinebauch, Manzella, Vance.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 68 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 74 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 153 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator McGillvray moved that **SJ 2** be taken from the Judiciary Committee and placed on second reading the next legislative day. Motion carried as follows:

Yeas: Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Tempel, Welborn, Mr. President.
Total 26

Nays: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Smith C, Sweeney, Vance, Webber.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, February 10, 2021, the twenty-eighth legislative day. Motion carried.

Senate adjourned at 1:42 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
TWENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 10, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/10/2021

Correctly printed: **SB 113**, **SB 166**, **SB 167**, **SB 170**, **SB 197**, **SB 198**, **SB 199**, **SB 200**, **SB 201**, **SB 202**, **SB 203**, **SJ 2**, **SJ 6**, **SR 22**, **SR 25**, **SR 27**, **SR 28**, **SR 30**, **SR 34**, **SR 35**, **SR 36**, **SR 37**, **SR 52**, **SR 53**, **SR 55**, **HB 63**, **HB 100**.
Correctly enrolled: **SB 4**, **SB 6**, **SB 14**, **SB 34**, **SB 36**, **SR 13**, **SR 15**, **SR 16**.
Examined by the sponsor and found to be correct: **SB 4**, **SB 36**, **SR 16**.
Delivered to the Secretary of State at 11:28 a.m., February 10, 2021: **SR 11**.
Delivered to the Governor at 11:36 a.m., February 10, 2021: **SR 11**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Lang, Chair): 2/9/2021
SB 131, introduced bill, be amended as follows:

1. Title, line 6.
Following: "DEFINITION;"
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 3.
Following: line 12
Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2021."

And, as amended, do pass.

HB 93, be concurred in.

FISH AND GAME (Hinebauch, Chair): 2/9/2021
SR 59, be adopted.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/9/2021
SB 148, do pass.
HB 55, be concurred in.
HB 56, be concurred in.
HB 77, be concurred in.
HB 133, be concurred in.

JUDICIARY (Regier, Chair): 2/9/2021
HB 136, be concurred in.
HB 140, be concurred in.
HB 167, be amended as follows:

1. Page 1, line 13.
Following: ""Born-Alive"
Insert: "Infant"

And, as amended, be concurred in.

HB 171, be concurred in.

JUDICIARY (Regier, Chair): 2/10/2021
SB 145, introduced bill, be amended as follows:

1. Page 1, line 24.
Following: "telephone"
Insert: "audio"

2. Page 2, line 25.
Following: "telephone"
Insert: "audio"

3. Page 3, line 4.
Following: "telephone"
Insert: "audio"

And, as amended, do pass.

SR 12, be adopted.
SR 48, be adopted.
SR 49, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/9/2021

SB 23, introduced by D. Salomon
SB 24, introduced by D. Salomon
SB 25, introduced by D. Salomon

House bills passed and transmitted to the Senate for concurrence: 2/9/2021

HB 89, introduced by W. McKamey
HB 210, introduced by M. Funk

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 204, introduced by G. Hertz, E. Boldman, B. Brown, M. Caferro, J. Carlson, S. Hinebauch, D. Lenz, T. Manzella, M. Noland, L. Sheldon-Galloway, B. Tschida, referred to Public Health, Welfare and Safety.
SB 205, introduced by B. Hoven, referred to Taxation.
SB 206, introduced by M. Sweeney, L. Jones, referred to Education and Cultural Resources.
SB 207, introduced by J. Pomnichowski, B. Bennett, M. Blasdel, E. Boldman, E. Buttrey, J. Cohenour, R. Farris-Olsen, P. Flowers, W. Galt, J. Gross, G. Hertz, T. Jacobson, E. McClafferty, S. Morigeau, C. Pope, M. Sweeney, S. Webber, referred to Business, Labor, and Economic Affairs.
SB 208, introduced by J. Cohenour, M. Blasdel, B. Brown, J. Ellsworth, C. Friedel, B. Gillespie, J. Gross, T. Jacobson, R. Lynch, D. Salomon, J. Small, M. Sweeney, J. Welborn, referred to Fish and Game.
SB 209, introduced by T. Jacobson, referred to Agriculture, Livestock and Irrigation.
SB 210, introduced by T. Jacobson, B. Gillespie, J. Gross, J. Small, M. Sweeney, referred to Agriculture, Livestock and Irrigation.
SB 211, introduced by S. Fitzpatrick, referred to Local Government.
SB 212, introduced by R. Osmundson, M. Blasdel, S. Fitzpatrick, C. Glimm, L. Jones, R. Lynch, C. Smith, G. Vance, referred to Taxation.
SB 213, introduced by K. Regier, referred to Energy and Telecommunications.
SB 214, introduced by G. Hertz, referred to Taxation.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 7, introduced by J. Welborn, D. Ankney, K. Walsh, T. Welch, referred to Natural Resources.
SJ 8, introduced by K. Regier, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 89, introduced by W. McKamey (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
HB 210, introduced by M. Funk, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hinebauch in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Majority Leader Smith moved that **SB 60** be moved down the agenda pending receipt of a fiscal note. Without objection, so ordered.

SB 169 - Senator Cuffe moved **SB 169** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 106 - Senator Sales moved **SB 106** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 39

Nays: Brown, Cuffe, Glimm, Hertz, Hinebauch, Hoven, Howard, Keenan, Regier K, Smith C, Vance.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 156 - Senator Bennett moved **SB 156** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 43

Nays: Cuffe, Ellsworth, Glimm, Howard, Kary, Keenan, Osmundson.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 105 - Senator Cohenour moved **SB 105** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn, Mr. President.
Total 39

Nays: Cuffe, Esp, Glimm, Kary, Keenan, Lang, Molnar, Regier K, Smith C, Tempel, Vance.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 2 - Senator McGillvray moved **SJ 2** do pass. Motion **failed** as follows:

Yeas: Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Welborn, Mr. President.
Total 24

Nays: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Friedel, Gross, Jacobson, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Smith C, Sweeney, Tempel, Vance, Webber.
Total 26

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 2 - Senator C. Smith moved **SJ 2** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Flowers, Fox, Friedel, Gross, Hertz, Jacobson, Lynch, Manzella, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 31

Nays: Bogner, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McGillvray, McNally, Molnar, Osmundson, Regier K, Salomon, Welborn.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 60 - Senator C. Smith moved consideration of **SB 60** be passed for the day. Without objection, so ordered.

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Pro Tempore Ellsworth presiding.

Chair Hinebauch moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Esp, Glimm, Keenan, McGillvray, Molnar.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Cohenour arose on a **point of order** and reminded the Senate that all members must be provided the opportunity for full discussion of bills brought before the Committee of the Whole as required by Senate Rules.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, February 11, 2021, the twenty-ninth legislative day. Motion carried.

Senate adjourned at 2:48 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
TWENTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 11, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Senator Regier. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/11/2021

Correctly printed: **SB 105**, **SB 106**, **SB 148**, **SB 156**, **SB 169**, **SB 204**, **SB 205**, **SB 206**, **SB 207**, **SB 208**, **SB 209**, **SB 210**, **SB 211**, **SB 212**, **SB 213**, **SB 214**, **SJ 7**, **SJ 8**, **SR 12**, **SR 48**, **SR 49**, **SR 59**, **HB 55**, **HB 56**, **HB 77**, **HB 93**, **HB 133**, **HB 136**, **HB 140**, **HB 171**.
Correctly engrossed: **SB 131**, **SB 145**, **SR 29**, **SR 31**, **HB 167**.
Correctly enrolled: **SB 3**, **SB 30**, **SB 35**, **SB 41**, **SB 45**, **SB 50**.
Examined by the sponsor and found to be correct: **SB 6**, **SB 34**, **SR 13**, **SR 15**.
Signed by the Secretary of the Senate at 2:50 p.m., February 10, 2021: **SR 16**.
Signed by the Secretary of the Senate at 11:00 a.m., February 11, 2021: **SR 13**, **SR 15**.
Signed by the President at 7:15 a.m., February 11, 2021: **SR 16**.
Signed by the President at 2:30 p.m., February 11, 2021: **SR 13**, **SR 15**.
Signed by the Speaker at 8:05 a.m., February 11, 2021: **SB 19**.
Delivered to the Governor for signature at 2:20 p.m., February 11, 2021: **SB 19**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/11/2021
SB 152, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "courses"
Insert: ", testing, and recertification"

3. Page 1, line 19.
Following: "resuscitation"
Strike: ","
Insert: "or"

4. Page 1, line 19.
Following: "certification"
Strike: ", or lifeguarding"

And, as amended, do pass.

HB 64, be concurred in.
HB 66, be concurred in.
HB 117, be amended as follows:

1. Page 5, line 1.
Following: "based"
Strike: "solely"

And, as amended, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/10/2021
SB 109, introduced bill, be amended as follows:

1. Page 1, line 11 through line 16.
Strike: "identify" on line 11 through "measures." on line 16
Insert: "provide educational services to gifted and talented students that are commensurate to student needs and foster a positive self-image.
(2) A school district shall provide structured support and assistance to teachers in identifying and meeting the diverse student needs of gifted and talented students and a framework for considering a full range of alternatives for addressing student needs."

And, as amended, do pass.

SB 157, introduced bill, be amended as follows:

1. Title, line 6 through line 7.
Strike: "AMENDING" on line 6 through "MCA;" on line 7

2. Page 1, line 11 through line 21.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 1, line 23.
Following: "**activities.**"
Insert: "(1)"

4. Page 1.
Following: line 28
Insert: "(2) Except as provided in subsections (1) and (3), a student attending a nonpublic or home school who participates in extracurricular activities at a public school is subject to:
(a) the same standards for participation as those required of full-time students enrolled in the school;
(b) the same rules of any interscholastic organization of which the school of participation is a

member.

(3) (a) The academic eligibility for extracurricular participation for a student attending a nonpublic school must be attested by the head administrator of the nonpublic school.

(b) The academic eligibility for extracurricular participation for a student attending a home school must be attested in writing by the educator providing the student instruction with verification by the school principal. The verification may not include any form of student assessment."

5. Page 2, line 2.
Following: "[Section"
Strike: "2"
Insert: "1"

6. Page 2, line 3.
Following: "[section"
Strike: "2"
Insert: "1"

And, as amended, do pass.

LOCAL GOVERNMENT (Gauthier, Chair): 2/10/2021
SB 44, introduced bill, be amended as follows:

1. Title, line 10.
Strike: "76-4-121, 76-4-122,"
Following: "76-4-125,"
Strike: "76-4-127,"

2. Page 2, line 3.
Strike: "<u>,</u>"
Following: "~~or~~**"**
Insert: "or"

3. Page 2, line 4.
Following: "waste"
Strike: "<u>, or storm water drainage,</u>"

4. Page 2, line 5.
Strike: "<u>storm water,</u>"

5. Page 3, line 1.
Strike: the first "<u>,</u>"
Following: "~~or~~"
Insert: "or"

6. Page 3, line 1.

Following: "sewage"
Strike: ", storm water,"

7. Page 3, line 2.
Strike: the first ","
Following: "~~or~~"
Insert: "or"

8. Page 3, line 2.
Following: "disposal"
Strike: ", or storm water drainage"

9. Page 3, line 20.
Following: the first "is"
Strike: "more than"
Following: "acres"
Insert: "or more"

10. Page 5, line 7.
Following: "~~dwelling~~"
Strike: "living and commercial"

11. Page 5, line 8.
Strike: the first ","
Following: "~~or~~"
Insert: "or"

12. Page 5, line 8.
Following: "disposal"
Strike: ", or storm water drainage"

13. Page 5, line 14.
Following: "ways"
Insert: ", except that the rules must provide a basis for not requiring storm water review under this part for parcels 5 acres and larger on which the total impervious area does not and will not exceed 5%. Nothing in this section relieves any person of the duty to comply with the requirements of Title 75, chapter 5, or rules adopted pursuant to Title 75, chapter 5"

14. Page 5, line 21.
Following: the second "the"
Insert: "proposed"

15. Page 5, line 25.
Following: the first "proposed"
Insert: "drainfield"

16. Page 6, line 18 through line 21.
Strike: "The" on line 18 through "(6)(i)(ii)." on line 21

17. Page 7, line 21.
Following: "disposal"
Strike: "and storm water drainage"

18. Page 8, line 6.
Strike: "previously divided"
Insert: "subdivided"

19. Page 8, line 6.
Following: "with"
Insert: "parts 5 and 6 of"

20. Page 8, line 9.
Following: "living"
Insert: "units, duplexes,"

21. Page 8, line 28 through page 10, line 7.
Strike: sections 7 and 8 in their entirety
Renumber: subsequent sections

22. Page 10, line 18.
Following: "supply"
Strike: ", storm water drainage,"

23. Page 11, line 9.
Strike: "lot"
Insert: "parcel"

24. Page 11, line 10.
Strike: "an exemption notice is"
Insert: "the appropriate document, exemption certificate, certificate of survey or subdivision plat"

25. Page 11, line 11.
Following: "recorder"
Insert: "cites the applicable exemption in its entirety"

26. Page 11, line 13 through page 12, line 7.
Strike: section 10 in its entirety
Renumber: subsequent sections

And, as amended, do pass.

SB 161, introduced bill, be amended as follows:

1. Title, line 6.
Following: "SUBDIVISIONS"
Insert: "IN CITIES AND TOWNS"
Following: "REVIEWS;"
Insert: "ALLOWING A COUNTY TO ADOPT EXPEDITED REVIEW PROVISIONS;"

2. Title, line 6.
Strike: "A GOVERNING BODY"
Insert: "THE LOCAL GOVERNMENT"

3. Page 1, line 14.
Strike: "A"
Insert: "Except as provided in subsection (9), a"

4. Page 3, line 4.
Strike: "extend"
Insert: "grant one extension of"

5. Page 3, line 5.
Following: "days;"
Strike: "or"

6. Page 3, line 7.
Following: "chapter 4"
Insert: "; or
(c) delegate to its reviewing agent or agency the requirement to hold a public hearing on the subdivision application as required in this section"

7. Page 3.
Following: line 15
Insert: "(9) A subdivision located outside of the boundaries of an incorporated city or town may not utilize the expedited review process provided in this section unless the board of county commissioners of the county where the subdivision is located has voted to allow the provisions of this section to apply to subdivisions located outside the boundaries of an incorporated city or town."

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 10, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Blasdel:

On Wednesday, February 10, 2021, I signed **Senate Bill 65** -- Fitzpatrick.

The bill has been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/10/2021

HB 43, introduced by R. Knudsen
HB 131, introduced by D. Bedey
HB 157, introduced by R. Marshall
HB 198, introduced by D. Harvey
HB 223, introduced by B. Mercer
HB 226, introduced by K. Zolnikov
HB 232, introduced by F. Garner
HB 243, introduced by M. Hopkins
HB 249, introduced by M. Regier
HB 254, introduced by R. Fitzgerald
HB 270, introduced by E. Buttrey

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 215, introduced by C. Glimm, S. Berglee, M. Bertoglio, M. Binkley, M. Blasdel, K. Bogner, B. Brown, J. Carlson, M. Cuffe, J. Ellsworth, P. Fielder, F. Fleming, C. Friedel, W. Galt, B. Gillespie, J. Gillette, S. Greef, S. Gunderson, G. Hertz, E. Hill, S. Hinebauch, C. Hinkle, J. Hinkle, D. Howard, D. Kary, B. Keenan, M. Lang, D. Lenz, T. Manzella, T. McGillvray, W. McKamey, M. Noland, R.

Osmundson, K. Regier, C. Smith, J. Trebas, B. Usher, G. Vance, S. Vinton, J. Welborn, K. Zolnikov, referred to Judiciary.
SB 216, introduced by J. Small, referred to Business, Labor, and Economic Affairs.
SB 217, introduced by J. Small, referred to Business, Labor, and Economic Affairs.
SB 218, introduced by D. Sands, referred to Public Health, Welfare and Safety.
SB 219, introduced by D. Howard, S. Berglee, M. Blasdel, K. Bogner, B. Brown, J. Cohenour, J. Ellsworth, S. Fitzpatrick, B. Gillespie, G. Hertz, S. Hinebauch, J. Hinkle, B. Keenan, M. Lang, R. Lynch, M. Noland, J. Patelis, K. Regier, V. Ricci, D. Salomon, K. Seekins-Crowe, J. Small, M. Sweeney, referred to Judiciary.
SB 220, introduced by J. Cohenour, M. Blasdel, J. Ellsworth, F. Fleming, C. Friedel, F. Garner, W. McKamey, B. Mercer, W. Sales, R. Tempel, B. Usher, J. Welborn, referred to Judiciary.
SB 221, introduced by T. Gauthier, referred to Local Government.
SB 222, introduced by T. Gauthier, referred to State Administration.
SB 223, introduced by T. Gauthier, referred to Judiciary.
SB 224, introduced by S. Fitzpatrick, referred to State Administration.
SB 225, introduced by S. Fitzpatrick, referred to State Administration.
SB 226, introduced by S. Fitzpatrick, referred to State Administration.
SB 227, introduced by S. Fitzpatrick, referred to State Administration.
SB 228, introduced by G. Hertz, S. Berglee, M. Binkley, M. Blasdel, E. Buttrey, J. Ellsworth, W. Galt, C. Hinkle, J. Hinkle, D. Howard, J. Kassmier, C. Knudsen, R. Knudsen, B. Ler, M. Noland, K. Regier, C. Smith, B. Tschida, S. Vinton, referred to State Administration.
SB 229, introduced by J. Ellis, referred to State Administration.

The following Senate bills were introduced and read first time:

SB 230, introduced by M. Lang, M. Cuffe, R. Knudsen.
SB 231, introduced by M. Blasdel, J. Ellsworth, W. Galt, C. Knudsen.
SB 232, introduced by T. Gauthier.
SB 233, introduced by D. Ankney.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 9, introduced by G. Hertz, K. Abbott, D. Ankney, B. Bennett, S. Berglee, M. Binkley, M. Blasdel, K. Bogner, E. Buttrey, J. Cohenour, M. Cuffe, J. Ellsworth, D. Fern, C. Friedel, W. Galt, C. Glimm, C. Hinkle, D. Howard, T. Jacobson, J. Kassmier, E. Kerr-Carpenter, C. Knudsen, B. Ler, M. Noland, R. Osmundson, B. Phalen, J. Pomnichowski, K. Regier, D. Salomon, J. Schillinger, J. Small, C. Smith, B. Tschida, S. Vinton, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 43, introduced by R. Knudsen (by request of the State Auditor), referred to Public Health, Welfare and Safety.
HB 131, introduced by D. Bedey, referred to Natural Resources.
HB 157, introduced by R. Marshall, . Harvey, J. Kassmier, referred to Business, Labor, and Economic Affairs.

HB 198, introduced by D. Harvey, referred to Business, Labor, and Economic Affairs.
HB 223, introduced by B. Mercer, referred to Judiciary.
HB 226, introduced by K. Zolnikov, E. Buttrey, D. Skees, M. Blasdel, W. Galt, M. Noland, C. Knudsen, M. Stromswold, R. Marshall, referred to Business, Labor, and Economic Affairs.
HB 232, introduced by F. Garner, referred to Business, Labor, and Economic Affairs.
HB 243, introduced by M. Hopkins, referred to Judiciary.
HB 249, introduced by M. Regier, S. Fitzpatrick, D. Kary, J. Keane, M. Blasdel, D. Ankney, W. Galt, B. Brown, M. Noland, V. Ricci, S. Gunderson, D. Fern, D. Loge, W. Sales, J. Small, T. Gauthier, J. Ellsworth, . Harvey, K. Sullivan, B. Ler, S. Gist, K. Seekins-Crowe, referred to Business, Labor, and Economic Affairs.
HB 254, introduced by R. Fitzgerald, L. Jones, referred to Business, Labor, and Economic Affairs.
HB 270, introduced by E. Buttrey, F. Garner, R. Fitzgerald, J. Dooling, . Harvey, D. Bedey, J. Carlson, A. Buckley, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Manzella in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 27 - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 27**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 28 - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 28**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 30 - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 30**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 166 - Senator Gauthier moved **SB 166** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 167 - Senator Fitzpatrick moved **SB 167** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Gross, Pomnichowski.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 168 - Senator Fitzpatrick moved **SB 168** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 171 - Senator Friedel moved **SB 171** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 170 - Senator Kary moved **SB 170** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Manzella moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 105 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn.
Total 28

Nays: Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Tempel, Vance, Mr. President.

Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No for Senator McGillvray made under Motions on legislative day 30, February 12, 2021.

SB 106 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Welborn, Mr. President.
Total 36

Nays: Brown, Cuffe, Esp, Glimm, Hertz, Hinebauch, Hoven, Howard, Keenan, Molnar, Regier K, Smith C, Vance, Webber.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 156 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Cuffe, Glimm, Howard, Kary, Keenan.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 169 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Friday, February 12, 2021, the thirtieth legislative day. Motion carried.

Senate adjourned at 1:38 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
THIRTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 12, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Brown excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/12/2021

Correctly printed: **SB 166**, **SB 167**, **SB 168**, **SB 170**, **SB 171**, **SB 215**, **SB 216**, **SB 217**, **SB 218**, **SB 219**, **SB 220**, **SB 221**, **SB 222**, **SB 223**, **SB 224**, **SB 225**, **SB 226**, **SB 227**, **SB 228**, **SB 229**, **SB 230**, **SB 231**, **SB 232**, **SJ 9**, **SR 27**, **SR 28**, **SR 30**, **HB 64**, **HB 66**.
Correctly engrossed: **SB 44**, **SB 109**, **SB 143**, **SB 149**, **SB 152**, **SB 157**, **SB 161**, **HB 117**.
Examined by the sponsor and found to be correct: **SB 3**, **SB 30**, **SB 35**, **SB 45**.
Transmitted to the House: **SB 105**, **SB 106**, **SB 156**, **SB 169**.
Delivered to the Secretary of State at 12:11 a.m., February 12, 2021: **SR 13**, **SR 15**, **SR 16**.
Delivered to the Governor February 12, 2021: **SR 13**, **SR 15**, **SR 16**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/12/2021
SB 91, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "WORK WITH PRIVATE PARTIES IN DETERMINING THE FISCAL IMPACT"
Insert: "IDENTIFY AND SECURE A QUALIFIED FISCAL ESTIMATING PROVIDER WILLING TO PROVIDE A DRAFT ESTIMATE AT NO COST TO THE STATE"

2. Title, line 6.
Following: "IMPACT;"
Insert: "PROVIDING FOR CONTINGENT VOIDNESS;"

3. Title, line 7.
Following: "5-4-201"
Strike: ", 5-4-203,"
Insert: "AND"
Following: "5-4-205,"
Strike: "AND 13-27-312,"

4. Page 1, line 13.

Following: "**reports.**"
Insert: "(1)"

5. Page 1, line 14 through line 15.
Strike: "the state," on line 14 through "business in" on line 15

6. Page 1, line 15.
Strike: ","
Insert: "or of a county or municipality,"

7. Page 1, line 17 through line 18.
Strike: "Fiscal" on line 17 through "introduction." on line 18
Insert: "(2) All bills reported out of a committee of the legislature having an effect on the revenues, expenditures, or fiscal liability of a private entity engaged in business in the state, except appropriation measures carrying specific dollar amounts, must include a fiscal note incorporating an estimate of the effect, unless by September 1, 2022, the budget director is unable to identify and secure a qualified fiscal estimating provider in the state, such as the economics department of a college or university, willing to provide a draft estimate at no cost to the state."

8. Page 1, line 20 through line 25.
Strike: section 2 in its entirety
Renumber: subsequent sections

9. Page 2, line 5.
Following: "state"
Insert: "as provided in 5-4-201"

10. Page 2, line 18 through page 4, line 8.
Strike: section 4 in its entirety
Insert: "NEW SECTION. **Section 3. Contingent voidness.** (1) If the budget director is unable to identify and secure a qualified fiscal estimating provider in Montana, such as the economics department of a college or university, willing to provide a draft estimate at no cost to the state as provided in [section 1], then [this act] is void.

(2) The budget director shall notify the code commissioner if the contingency in subsection (1) occurs."
Renumber: subsequent sections

And, as amended, do pass.

HB 65, be amended as follows:

1. Page 6, line 7.
Following: "definition."
Insert: "The term also includes but is not limited to the individual disclosed as the supervisor on a

salesperson's form U4 of the uniform application for securities industry registration or transfer."

And, as amended, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/11/2021
SB 84, introduced bill, be amended as follows:

1. Title, line 8.
Strike: "PROVIDING AN APPROPRIATION;"

2. Page 2, line 7.
Following: "staff"
Insert: "and consultants"

3. Page 2, line 7.
Strike: "69-1-221"
Insert: "5-15-201"

And, as amended, do pass.

SB 134, do pass.
SB 147, do pass.
SB 160, introduced bill, be amended as follows:

1. Page 5, line 20.
Following: "subsection"
Strike: "(3)"
Insert: "(4)"

2. Page 5.
Following: line 22
Insert: "(3) The president of the senate, the speaker of the house, the minority leader of the senate, and the minority leader of the house may recommend nominees for the governor's consideration in making appointments to the commission."
Renumber: subsequent subsections

3. Page 6, line 1.
Strike: "1 year"
Insert: "5 years"

4. Page 6.
Following: line 2
Insert: "(c) Current and former senior management and board members of a regulated utility are not eligible for appointment.

(d) A person who owns any bonds, stocks, or financial interests in a company regulated by the commission shall divest themself of that ownership prior to commission appointment."
Renumber: subsequent subsections

5. Page 6, line 7.
Strike: "5"
Insert: "6"

6. Page 6, line 11.
Strike: "10"
Insert: "12"

7. Page 8, line 10.
Strike: "5-year"
Insert: "6-year"

8. Page 8, line 11.
Strike: "3-year"
Insert: "4-year"

9. Page 8, line 12.
Strike: "1-year"
Insert: "2-year"

10. Page 8.
Following: line 14
Insert: "(3) Term limits as defined in 69-1-105 do not apply to appointments made in accordance with subsections (1)(b) and (1)(c)."

And, as amended, do pass.

SJ 3, introduced joint resolution, be amended as follows:

1. Page 1, line 26.
Strike: "demonstration"
Insert: "commercial"

2. Page 2, line 18.
Following: "reactors;"
Strike: "and"

3. Page 2, line 20.
Following: "plants"
Insert: "; and
(3) evaluate the safety of, and the waste stream resulting from, the construction and operation of

advanced nuclear reactors and gather input from residents of the Colstrip area"

And, as amended, do pass.

HB 85, be concurred in.

FISH AND GAME (Hinebauch, Chair): 2/11/2021
SB 143, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "DIRECTING"
Insert: "ALLOCATING"

2. Title, line 7.
Following: "REVENUE"
Strike: "TO FUND PUBLIC ACCESS LAND AGREEMENTS"

3. Title, line 8 through line 9.
Strike: "AND" on line 8 through the first "LICENSES" on line 9

4. Title, line 9 through line 10.
Strike: "REMOVING" on line 9 through "CALCULATIONS;" on line 10

5. Page 1, line 18.
Strike: "30"
Insert: "15"

6. Page 1, line 19.
Strike: "$100"
Insert: "$200"

7. Page 1, line 22.
Strike: "30"
Insert: "15"

8. Page 1, line 27.
Following: "(4)"
Insert: "(a)"

9. Page 1, line 27 through line 28.
Strike: "deposited" on line 27 through "[section 2]" on line 28
Insert: "allocated as follows:
(i) 25% must be deposited in the limited outfitted Class B-10 and Class B-11 license account established in [section 2];
(ii) 25% to hunting access programs;

(iii) 25% to the future fisheries program established in 87-1-272 with a priority given to funding projects that provide public access through private property; and

(iv) 25% to the purchase of permanent easements through private property to access otherwise inaccessible lands. An easement funded by this subsection (4)(a)(iv) may be granted only across private land to public land that is leased by the landowner, public land for which there is no leaseholder, or public land for which the landowner has consent of the leaseholder.

(b) The department may expend up to 10% of the funds allocated pursuant to subsection (4)(a) to pay administrative costs incurred by the department for the purposes outlined in subsection (4)(a), including but not limited to contracting and transaction costs incurred by the department or entities partnering with the department, and for providing support to the private land/public wildlife advisory committee for its review of public access land agreements pursuant to 87-1-295.

(c) At the end of each fiscal year, funds allocated pursuant to subsection (4)(a) that remain unobligated are available to the department for any purpose pursuant to 87-1-201(3)."

10. Page 2, line 7 through line 10.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

11. Page 2, line 14 through page 3, line 8.
Strike: section 3 in its entirety
Renumber: subsequent sections

12. Page 4, line 20.
Strike: "2"
Insert: "3"

13. Page 5, line 27.
Following: "~~amount.~~"
Insert: "(4) The cost of the Class B-10 nonresident big game combination license must be adjusted annually based on any change to the consumer price index for all urban consumers (CPI-U) from the previous year. The adjusted cost must be rounded down to the nearest even-numbered amount."

14. Page 6, line 14.
Following: "~~amount.~~"
Insert: "(c) The cost of the Class B-11 nonresident deer combination license must be adjusted annually based on any change to the consumer price index for all urban consumers (CPI-U) from the previous year. The adjusted cost must be rounded down to the nearest even-numbered amount"

15. Page 6, line 17 through page 8, line 9.
Strike: section 8 in its entirety
Insert: " **Section 7.** Section 87-2-511, MCA, is amended to read:

"**87-2-511. Sale and use of Class B-10 and Class B-11 licenses.** (1) ~~The~~ Except as provided in [section 1], the department shall offer the Class B-10 and Class B-11 licenses for sale on April 1, with 39% of each of the Class B-10 and Class B-11 licenses reserved for applicants hunting with a licensed outfitter pursuant to [section 1] and 2,000 of the authorized Class B-11 licenses reserved for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and (3).

(2) Each application for a resident-sponsored license under subsection (1) must contain a written affirmation by the applicant that the applicant intends to hunt with a resident sponsor and must indicate the name of the resident sponsor with whom the applicant intends to hunt. In addition, the application must be accompanied by a certificate that is signed by a resident sponsor and that affirms that the resident sponsor will:

(a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;

(b) submit to the department, in a manner prescribed by the department, complete records of who hunted with the resident sponsor, where they hunted, and what game was taken; and

(c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and this title.

(3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor. If there is a sufficient number of licenses set forth in subsection (1), the department shall issue a license to one applicant sponsored by each resident landowner who owns 640 or more contiguous acres. If enough licenses remain for a second applicant for each resident landowner sponsor, the department shall issue a license to the second applicant sponsored by each resident landowner. The department shall conduct a drawing for any remaining resident-sponsored licenses. If there is not a sufficient number of licenses set forth in subsection (1) to allow each resident landowner who owns 640 contiguous acres to sponsor one applicant, the department shall conduct a drawing for the resident-sponsored licenses. However, a resident sponsor of a Class B-11 license may submit no more than 15 certificates of sponsorship in any license year.

(4) A nonresident who hunts under the authority of a resident landowner-sponsored license shall conduct all deer hunting on the deeded lands of the sponsoring landowner.

(5) All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) must be issued by ~~a~~ drawing ~~among all applicants for the respective unreserved licenses~~ pursuant to 87-2-115(5).

(6) (a) An applicant who applies for a Class B-10 license and an applicable special elk permit but who is not successful in a drawing for the special elk permit may choose to retain only the Class B-7 portion of the Class B-10 license. The department shall sell the Class B-7 portion as a Class B-11 license for the fee set in 87-2-510. The provisions of this subsection (6)(a) do not affect the limits established in 87-2-510(2). The remaining elk tag portion of the Class B-10 license must be sold by the department as an elk-only combination license for a fee of $831.

(b) Subject to the statutory quota provided in 87-2-505, if the department determines all available elk-only combination licenses have sold by December 1 in any license year, the cost of the elk-only combination license must be adjusted for the subsequent license year based on any change to the consumer price index from the previous year. The consumer price index to be used for calculations is the consumer price index for all urban consumers (CPI-U).

The adjusted cost must be rounded down to the nearest even-numbered amount and applies to subsequent license years unless the conditions of this subsection are met.

(c) The department may retain 10% of the Class B-10 license fee if an applicant chooses to buy only a portion of the Class B-10 license pursuant to subsection (6)(a) after the Class B-10 license has been issued to the applicant.

(d) The revenue collected pursuant to this subsection (6) must be deposited in the state special revenue account to the credit of the department and may not be allocated pursuant to other statutory requirements generally applicable to Class B-10 or Class B-11 licenses."

Renumber: subsequent sections

16. Page 8, line 16.
Strike: "[Sections 1 and 3] are"
Insert: "[Section 1] is"

17. Page 8, line 18.
Strike: "[sections 1 and 3]"
Insert: "[section 1]"

And, as amended, do pass.

SR 60, be adopted.
HB 138, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/11/2021
HB 141, be concurred in.

JUDICIARY (Regier, Chair): 2/12/2021
SB 140, introduced bill, be amended as follows:

1. Page 2, line 11 through line 12.
Strike: "At" on line 11 through "subsection (1)" on line 12
Insert: "Each applicant who has the qualifications set forth by law for holding judicial office and who receives a letter of support from at least three adult Montana residents by the close of the public comment period provided for in subsection (1)"

2. Page 2, line 12.
Strike: "nominees"
Insert: "a nominee"

And, as amended, do pass.

SB 172, do pass.
SB 173, do pass.
SB 178, do pass.
HB 73, be concurred in.

HB 144, be concurred in.

TAXATION (Hoven, Chair): 2/12/2021
SB 133, introduced bill, be amended as follows:

1. Title, line 10.
Following: "15-2-201,"
Insert: "15-2-303,"

2. Page 2, line 20.
Following: "taxpayer"
Insert: "substantially"

3. Page 3, line 17.
Following: "taxpayer"
Insert: "substantially"
Following: "property"
Insert: ", as provided in 15-2-306"

4. Page 4.
Following: line 3
Insert: "**Section 3.** Section 15-2-303, MCA, is amended to read:
"**15-2-303. Judicial review -- costs and attorney fees.** (1) Any party to an appeal before the state tax appeal board who is aggrieved by a final decision is entitled to judicial review under this part.
(2) Proceedings for review must be instituted by filing a petition in district court in the county in which the taxable property or some portion of it is located, except the taxpayer has the option to file in the district court of the first judicial district. A petition for judicial review must be filed within 60 days after service of the final decision of the state tax appeal board or, if a rehearing is requested, within 60 days after service of the final decision. Copies of the petition must be promptly served on all parties of record. The department of revenue shall promptly notify the state tax appeal board, in writing, of any judicial review, but failure to do so has no effect on the judicial review. The department of revenue shall, on request, submit to the state tax appeal board a copy of all pleadings and documents.
(3) If the judicial review involves a taxpayer who is seeking a refund of taxes paid under protest, the appealing party shall provide a copy of the petition to the treasurer of the county in which the taxable property or some portion of it is located, but failure to do so has no effect on the judicial review.
(4) Proceedings for review of a decision by the state tax appeal board by a company under the jurisdiction of the public service commission must be instituted in the district court of the first judicial district.
(5) Notwithstanding the provisions of 2-4-704(1), the court may, for good cause shown, permit additional evidence to be introduced.
(6) In addition to costs and attorney fees permitted under 25-10-711, the district court and the supreme court on the appeal of a district court decision shall award costs and reasonable

attorney fees as determined by the respective court to a taxpayer that substantially prevails, as defined in 15-2-306(4), on the merits of an appeal of the value of class four residential property. Costs and attorney fees awarded by the district court and the supreme court are limited to cases in which the department appeals a decision of the state tax appeal board."
"

Renumber: subsequent sections

5. Page 4, line 10.
Following: "that"
Insert: "substantially"

6. Page 4, line 11.
Following: "property"
Insert: ". Costs and attorney fees awarded by the board are limited to cases in which the department appeals a decision of the county tax appeal board"

7. Page 4, line 15.
Following: line 15
Insert: "(4) For the purpose of this section, "substantially prevails" means:
(a) a judgment that results in a reduction in value of the taxpayer's property; and
(b) the amount of the reduction provided for in the judgment is greater than 25% of the difference between the appraised value established by the department and the value claimed by the taxpayer."

8. Page 7, line 4.
Following: the first "objector"
Insert: "or a representative of the objector"
Following: the second "objector"
Insert: "or representative"

9. Page 8, line 23 through line 24.
Strike: line 23 through "objector." on line 24

10. Page 13, line 21.
Following: "town."
Insert: "(10) For the purpose of this section, the term "compelling reason" includes but is not limited to:
(a) there are no comparable sales in the neighborhood or subdivision;
(b) the comparable sales model prepared by the department shows that the subject property cannot be valued using the market sales approach; or
(c) other residential properties in the same neighborhood or subdivision are also valued using the cost approach and not the market sales approach."

And, as amended, do pass.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORTS

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/12/2021
SR 17, be not adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SR 18, be not adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SR 19, be not adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SR 20, be not adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/11/2021

SB 27, introduced by B. Gillespie
SB 31, introduced by M. McNally
SB 61, introduced by P. Flowers
SB 66, introduced by S. Fitzpatrick

House bills passed and transmitted to the Senate for concurrence: 2/11/2021

HB 208, introduced by J. Gillette
HB 224, introduced by P. Fielder
HB 225, introduced by P. Fielder
HB 242, introduced by C. Hinkle

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 234, introduced by G. Vance, referred to Business, Labor, and Economic Affairs.
SB 235, introduced by S. Morigeau, referred to Business, Labor, and Economic Affairs.
SB 236, introduced by S. Morigeau, referred to Public Health, Welfare and Safety.
SB 237, introduced by D. Kary, T. McGillvray, referred to Energy and Telecommunications.

The following Senate bills, previously introduced, were referred to committees:

SB 230, introduced by M. Lang, M. Cuffe, R. Knudsen, referred to Finance and Claims.
SB 231, introduced by M. Blasdel, J. Ellsworth, W. Galt, C. Knudsen, referred to Local Government.
SB 232, introduced by T. Gauthier, referred to State Administration.
SB 233, introduced by D. Ankney, referred to Natural Resources.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 73, introduced by D. Salomon, referred to Education and Cultural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 208, introduced by J. Gillette, referred to Public Health, Welfare and Safety.
HB 224, introduced by P. Fielder, D. Skees, J. Read, C. Glimm, W. Galt, B. Brown, J. Hinkle, S. Hinebauch, J. Ellsworth, J. Fuller, B. Ler, B. Phalen, J. Schillinger, C. Hinkle, referred to Fish and Game.
HB 225, introduced by P. Fielder, M. Blasdel, B. Brown, J. Ellsworth, J. Fuller, W. Galt, F. Garner, C. Glimm, S. Hinebauch, C. Hinkle, J. Hinkle, B. Ler, D. Loge, T. Manzella, B. Mitchell, B. Phalen, J. Read, J. Schillinger, D. Skees, F. Smith, referred to Fish and Game.
HB 242, introduced by C. Hinkle, J. Read, B. Brown, J. Hinkle, B. Ler, R. Marshall, referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Cuffe in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 31 - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 31**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 38

Nays: Boland, Cohenour, Ellis, Flowers, Gross, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 12

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SR 59 - Senator Hinebauch moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 59**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Molnar.
Total 1

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SR 12 - Senator K. Regier moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 12**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SR 49 - Senator K. Regier moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 49**. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 37

Nays: Bennett, Cohenour, Flowers, Fox, Gross, Lynch, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 13

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SR 22 - Senator Kary moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 22**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SR 25 - Senator Kary moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 25**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Hoven.
Total 1

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 98 - Senator Gillespie moved **SB 98** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 18

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 148 - Senator Gillespie moved **SB 148** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Mr. President.
Total 41

Nays: Ankney, Brown, Glimm, Hinebauch, Kary, Manzella, Smith C, Vance, Welborn.
Total 9

Voted absentee: Brown, No.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 120 - Senator Esp moved **SB 120** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K,

Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 41

Nays: Bennett, Boldman, Gross, Jacobson, Lynch, McClafferty, Morigeau, Pomnichowski, Sands.
Total 9

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 113 - Senator Fitzpatrick moved **SB 113** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 126 - Senator K. Regier moved **SB 126** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 19

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Cuffe moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Cohenour, Gross, McNally, Pomnichowski.
Total 4

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 166 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 167 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Gross, Pomnichowski.
Total 2

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 168 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 170 passed as follows:

Yeas: Ankney, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 171 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Senator McGillvray moved to change his third-reading vote from the previous legislative day on **SB 105** from Yes to No. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Monday, February 15, 2021, the thirty-first legislative day. Motion carried.

Senate adjourned at 2:18 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
THIRTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 15, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/15/2021

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-first through the twenty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 98**, **SB 113**, **SB 120**, **SB 126**, **SB 134**, **SB 147**, **SB 148**, **SB 172**, **SB 173**, **SB 178**, **SB 234**, **SB 235**, **SB 236**, **SB 237**, **SR 12**, **SR 22**, **SR 25**, **SR 31**, **SR 49**, **SR 59**, **SR 60**, **SR 73**, **HB 73**, **HB 85**, **HB 138**, **HB 141**, **HB 144**.
Correctly engrossed: **SB 84**, **SB 91**, **SB 133**, **SB 140**, **SB 160**, **SJ 3**, **HB 65**.
Correctly enrolled: **SB 23**, **SB 24**, **SB 25**, **SB 27**, **SB 68**, **SR 34**, **SR 35**, **SR 36**, **SR 37**, **SR 55**.
Examined by the sponsor and found to be correct: **SB 23**, **SB 25**, **SB 27**, **SB 68**, **SR 35**, **SR 36**, **SR 37**.
Transmitted to the House: **SB 166**, **SB 167**, **SB 168**, **SB 170**, **SB 171**.
Signed by the Secretary of the Senate at 12:10 a.m., February 5, 2021: **SB 1**.
Signed by the Secretary of the Senate at 8:40 a.m., February 8, 2021: **SB 21**.
Signed by the Secretary of the Senate at 2:50 p.m., February 10, 2021: **SB 36**.
Signed by the Secretary of the Senate at 3:15 p.m., February 11, 2021: **SB 6**, **SB 34**.
Signed by the Secretary of the Senate at 10:15 a.m., February 15, 2021: **SB 26**.
Signed by the Secretary of the Senate at 12:00 p.m., February 15, 2021: **SB 3**, **SB 30**, **SB 35**, **SB 45**.
Signed by the President at 10:15 a.m., February 15, 2021: **SB 1**, **SB 6**.
Signed by the President at 10:20 a.m., February 15, 2021: **SB 21**.
Signed by the President at 10:25 a.m., February 15, 2021: **SB 34**.
Signed by the President at 10:30 a.m., February 15, 2021: **SB 26**, **SB 36**.
Signed by the President at 12:30 p.m., February 15, 2021: **SB 3**, **SB 30**, **SB 35**, **SB 45**.
Signed by the Speaker at 12:45 p.m., February 15, 2021: **SB 1**, **SB 6**, **SB 21**, **SB 26**, **SB 34**, **SB 36**.
Signed by the Speaker at 3:45 p.m., February 15, 2021: **SB 3**, **SB 30**, **SB 35**, **SB 45**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 2/11/2021
SB 81, do pass.
HB 15, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 2/12/2021
SB 29, introduced bill, be amended as follows:

1. Page 3, line 20.
Strike: "analysis"
Insert: "review"

2. Page 3, line 21.
Following: "chapter."
Insert: "The applicant shall pay the actual cost of the environmental review."

And, as amended, do pass.

SR 58, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/12/2021

SB 28, introduced by D. Salomon
SB 56, introduced by J. Ellsworth
SB 70, introduced by S. Fitzpatrick
SB 79, introduced by D. Kary
SB 96, introduced by S. Webber
SB 97, introduced by S. Fitzpatrick
SB 104, introduced by J. Welborn

House bill passed and transmitted to the Senate for concurrence: 2/12/2021

HB 179, introduced by D. Bedey

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 238, introduced by T. Gauthier, M. Blasdel, J. Dooling, J. Ellsworth, S. Fitzpatrick, J. Kassmier, T. Manzella, M. Sweeney, referred to Local Government.
SB 239, introduced by M. McNally, K. Zolnikov, referred to Business, Labor, and Economic Affairs.
SB 240, introduced by T. Manzella, M. Binkley, N. Duram, F. Garner, B. Usher, referred to Judiciary.
SB 241, introduced by J. Pomnichowski, referred to Judiciary.
SB 242, introduced by B. Bennett, M. Binkley, M. Blasdel, K. Bogner, B. Brown, J. Cohenour, P. Fielder, G. Frazer, C. Friedel, G. Hertz, T. Jacobson, D. Kary, E. Kerr-Carpenter, R. Knudsen, B. Ler, R. Lynch, K. Regier, M. Stromswold, J. Trebas, referred to Judiciary.
SB 243, introduced by B. Bennett, C. Boland, E. Boldman, J. Cohenour, P. Flowers, M. Fox, J. Gross, T. Jacobson, E. Kerr-Carpenter, R. Lynch, E. McClafferty, M. McNally, S. Morigeau, S. O'Brien, J. Pomnichowski, D. Sands, M. Sweeney, S. Webber, referred to Education and Cultural Resources.
SB 244, introduced by B. Bennett, E. Kerr-Carpenter, R. Lynch, referred to Public Health, Welfare and Safety.
SB 245, introduced by K. Regier, referred to Public Health, Welfare and Safety.
SB 246, introduced by J. Small, referred to Business, Labor, and Economic Affairs.

The following Senate bills were introduced and read first time:

SB 247, introduced by E. Boldman, B. Bennett, M. Blasdel, A. Buckley, E. Buttrey, J. Ellsworth, S. Fitzpatrick, W. Galt, F. Garner, T. Gauthier, J. Gross, D. Harvey, M. Hopkins, T. Jacobson, J. Keane, C. Knudsen, M. Lang, R. Lynch, S. Morigeau, J. Patelis, D. Salomon, J. Small, D. Tenenbaum, J. Welborn, K. Zolnikov.
SB 248, introduced by E. Boldman, B. Bennett, M. Blasdel, A. Buckley, E. Buttrey, J. Ellsworth, S. Fitzpatrick, W. Galt, F. Garner, T. Gauthier, J. Gross, D. Harvey, M. Hopkins, T. Jacobson, J. Keane, C. Knudsen, M. Lang, R. Lynch, S. Morigeau, J. Patelis, D. Salomon, J. Small, D. Tenenbaum, J. Welborn, K. Zolnikov.
SB 249, introduced by M. Lang, R. Knudsen.
SB 250, introduced by J. Cohenour.
SB 251, introduced by C. Smith.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 10, introduced by J. Small, D. Ankney, J. Welborn, referred to Energy and Telecommunications.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 74, introduced by D. Kary, referred to State Administration.

The following House bill was introduced, read first time, and referred to committee:

HB 179, introduced by D. Bedey, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Salomon in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 52 - Senator Welborn moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 52**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 53 - Senator Welborn moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 53**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 42

Nays: Boland, Gross, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Webber.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 143 - Senator Ellsworth moved **SB 143** do pass.

SB 143 - Senator Jacobson moved **SB 143**, second reading copy, be amended as follows:

1. Title, line 7 through line 9.
Strike: "RESERVING" on line 7 through "FEES;" on line 9
Insert: "ESTABLISHING AN EARLY DRAW WITH AN APPLICATION FEE;"

2. Title, line 10 through line 13.
Strike: line 10 through "AUTHORITY;" on line 13

3. Title, line 13 through line 14.
Strike: "SECTIONS" on line 13 through the first "AND" on line 14
Insert: "SECTION"

4. Title, line 14.
Following: the first "MCA;"
Strike: "REPEALING SECTIONS 87-1-296 AND 87-1-297, MCA;"

5. Page 1, line 19 through page 11, line 12.
Strike: everything after the enacting clause
Insert: "Section 1. Section 87-2-511, MCA, is amended to read:
"87-2-511. Sale and use of Class B-10 and Class B-11 licenses. (1) The department shall offer the Class B-10 and Class B-11 licenses for sale through an early drawing and a general drawing as follows:
(a) (i) Except as provided in subsection (1)(a)(iii), 40% of the Class B-10 and Class B-11 licenses made available pursuant to 87-2-505 and 87-2-510 may be purchased through an early drawing to occur on January 15 by persons who apply between December 1 and December 31 for a fee of $300. If applying as a party, each person must pay the application fee. Application fees must be used by the department to secure, develop, and maintain wildlife habitat pursuant to 87-1-242. At the end of each fiscal year, unobligated funds collected pursuant to this subsection (1)(a)(i) are available to the department for any purpose pursuant to 87-1-201(3).
(ii) The department shall conduct the early drawing in accordance with 87-2-115. Applicants who are unsuccessful in the early drawing must be entered in the general drawing conducted pursuant to subsection (1)(b). Any licenses that remain unsold in the early drawing must be issued in the general drawing conducted pursuant to subsection (1)(b).
(iii) The commission may increase the percentage of Class B-10 and Class B-11 licenses available for purchase in the early drawing to up to 50% of the total available pursuant to 87-2-505 and 87-2-510 based on participation in the previous year's early drawing.

(b) After the early drawing is conducted pursuant to subsection (1)(a), the department shall offer for sale the remainder of the Class B-10 and Class B-11 licenses made available pursuant to 87-2-505 and 87-2-510 on April 1 through a general drawing conducted in accordance with 87-2-115 if the number of applicants exceeds the number of available licenses., with 2,000 of the authorized

(2) In addition to the Class B-11 licenses authorized pursuant to 87-2-510, there are reserved 2,000 Class B-11 licenses for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and subsection (3) and this subsection.

(2) Each application for a resident-sponsored license under subsection (1) must contain a written affirmation by the applicant that the applicant intends to hunt with a resident sponsor and must indicate the name of the resident sponsor with whom the applicant intends to hunt. In addition, the application must be accompanied by a certificate that is signed by a resident sponsor and that affirms that the resident sponsor will:

(a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;

(b) submit to the department, in a manner prescribed by the department, complete records of who hunted with the resident sponsor, where they hunted, and what game was taken; and

(c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and this title.

(3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor. If there is a sufficient number of licenses set forth in subsection (1) available pursuant to subsection (2), the department shall issue a license to one applicant sponsored by each resident landowner who owns 640 or more contiguous acres. If enough licenses remain for a second applicant for each resident landowner sponsor, the department shall issue a license to the second applicant sponsored by each resident landowner. The department shall conduct a drawing for any remaining resident-sponsored licenses. If there is not a sufficient number of licenses set forth in subsection (1) to allow each resident landowner who owns 640 contiguous acres to sponsor one applicant, the department shall conduct a drawing for the resident-sponsored licenses. However, a resident sponsor of a Class B-11 license may submit no more than 15 certificates of sponsorship in any license year.

(4) A nonresident who hunts under the authority of a resident landowner-sponsored license shall conduct all deer hunting on the deeded lands of the sponsoring landowner.

(5) All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) must be issued by a drawing among all applicants for the respective unreserved licenses.

(6) (5) (a) An applicant who applies for a Class B-10 license and an applicable special elk permit but who is not successful in a drawing for the special elk permit may choose to retain only the Class B-7 portion of the Class B-10 license. The department shall sell the Class B-7 portion as a Class B-11 license for the fee set in 87-2-510. The provisions of this subsection (6)(a) (5)(a) do not affect the limits established in 87-2-510(2). The remaining elk tag portion of the Class B-10 license must be sold by the department as an elk-only combination license for a fee of $831.

(b) Subject to the statutory quota provided in 87-2-505, if the department determines all available elk-only combination licenses have sold by December 1 in any license year, the cost

of the elk-only combination license must be adjusted for the subsequent license year based on any change to the consumer price index from the previous year. The consumer price index to be used for calculations is the consumer price index for all urban consumers (CPI-U). The adjusted cost must be rounded down to the nearest even-numbered amount and applies to subsequent license years unless the conditions of this subsection are met.
(c) The department may retain 10% of the Class B-10 license fee if an applicant chooses to buy only a portion of the Class B-10 license pursuant to subsection (6)(a) (5)(a) after the Class B-10 license has been issued to the applicant.
(d) The revenue collected pursuant to this subsection (6) (5) must be deposited in the state special revenue account to the credit of the department and may not be allocated pursuant to other statutory requirements generally applicable to Class B-10 or Class B-11 licenses.""
Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective December 1, 2021."

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 26

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Salomon, Smith C, Vance, Mr. President.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 143 - As amended, **SB 143** passed as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Hertz, Hoven, Howard, Jacobson, Kary, Lang, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Glimm, Gross, Hinebauch, Keenan, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 7 - Senator Cohenour moved **SB 7** do pass.

SB 7 - Senator Hertz moved **SB 7**, second reading copy, be amended as follows:

1. Title, line 7.
Following: "REFUNDED;"
Insert: "PROVIDING A HOUSEHOLD INCOME LIMITATION IN ORDER TO BE ELIGIBLE FOR THE CREDIT FOR ENERGY-CONSERVING EXPENDITURES;"

2. Title, line 11.
Following: the second "AND"
Strike: "A RETROACTIVE"

3. Title, line 11.
Strike: "DATE"
Insert: "DATES"

4. Page 2, line 6.
Strike: "subsection"
Insert: "subsections"

5. Page 2, line 6.
Following: "(2)"
Insert: "and (3)"

6. Page 2, line 12.
Following: "15-32-104"
Insert: ".
(3) A taxpayer with household income, as defined in 15-30-2337, of more than $45,000 is not eligible for the credit provided by this section. The taxpayer shall verify gross household income requirements, as defined in 15-30-2337, on a form prescribed by the department. Applicants are subject to the false swearing penalties established in 45-7-202"

7. Page 3, line 11.
Following: "applicability"
Insert: "-- applicability"

8. Page 3, line 11.
Strike: "[This act]"
Insert: "(1) Except as provided in subsection (2), [this act]"

9. Page 3, line 12.
Following: "2020."
Insert: "(2) [Section 3(3)], amending 15-32-109(3), is applicable to income tax years beginning after December 31, 2021."

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 7 - As amended, **SB 7** passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 111 - Senator Molnar moved **SB 111** do pass.

SB 111 - Senator Lang moved **SB 111**, second reading copy, be amended as follows:

1. Page 1, line 20 through line 21.
Strike: "or" on line 20 through "37-20-401," on line 21

2. Page 1, line 26.
Following: "department"
Insert: "and signed by the physician"

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Bennett, Flowers, Morigeau, Sands, Sweeney.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 111 - As amended, **SB 111** passed as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Salomon, Small, Smith C, Vance, Mr. President.
Total 28

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Sweeney, Tempel, Webber, Welborn.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Salomon moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 45

Nays: Cohenour, McClafferty, Pope, Sands, Webber.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 98 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 113 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 120 passed as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 40

Nays: Bennett, Boldman, Cohenour, Jacobson, Lynch, McClafferty, Morigeau, Pomnichowski, Sands, Sweeney.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 126 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 148 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Mr. President.
Total 40

Nays: Ankney, Brown, Cuffe, Glimm, Hinebauch, Kary, Manzella, Smith C, Vance, Welborn.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

ADVERSE COMMITTEE REPORT

NATURAL RESOURCES (Welborn, Chair): 2/12/2021
SR 51, do not pass. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills, previously introduced, were referred to committees:

SB 247, introduced by E. Boldman, B. Bennett, M. Blasdel, A. Buckley, E. Buttrey, J. Ellsworth, S. Fitzpatrick, W. Galt, F. Garner, T. Gauthier, J. Gross, D. Harvey, M. Hopkins, T. Jacobson, J. Keane, C. Knudsen, M. Lang, R. Lynch, S. Morigeau, J. Patelis, D. Salomon, J. Small, D. Tenenbaum, J. Welborn, K. Zolnikov, referred to Business, Labor, and Economic Affairs.
SB 248, introduced by E. Boldman, B. Bennett, M. Blasdel, A. Buckley, E. Buttrey, J. Ellsworth, S. Fitzpatrick, W. Galt, F. Garner, T. Gauthier, J. Gross, D. Harvey, M. Hopkins, T. Jacobson, J. Keane, C. Knudsen, M. Lang, R. Lynch, S. Morigeau, J. Patelis, D. Salomon, J. Small, D. Tenenbaum, J. Welborn, K. Zolnikov, referred to Business, Labor, and Economic Affairs.
SB 249, introduced by M. Lang, R. Knudsen, referred to Finance and Claims.

MOTIONS

Majority Leader Smith moved that **SB 143**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 7**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 117** be taken from the second reading board and re-referred to the Business, Labor and Economic Affairs Committee. Without objection, so ordered.

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 200**. Without objection, so ordered.

SB 200 (D. Sands, Chief Sponsor)
Representative B. Mercer.

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the current week:

Wyatt Biggers from Butte, MT, sponsored by Senator McClafferty
Reagan Hall from Sidney, MT, sponsored by Senator Hinebauch
Carter Jasper from St. Regis, MT, sponsored by Senator Brown
Natalie Pravecek from Helena, MT, sponsored by Senator Sweeney

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, February 16, 2021, the thirty-second legislative day. Motion carried.

Senate adjourned at 2:40 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
THIRTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 16, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/16/2021

Correctly printed: **SB 81**, **SB 238**, **SB 239**, **SB 240**, **SB 241**, **SB 242**, **SB 243**, **SB 244**, **SB 245**, **SB 246**, **SB 247**, **SB 248**, **SB 249**, **SB 250**, **SB 251**, **SJ 10**, **SR 52**, **SR 53**, **SR 58**, **SR 74**, **HB 15**.
Correctly engrossed: **SB 7**, **SB 29**, **SB 111**, **SB 136**, **SB 143**.
Correctly enrolled: **SB 31**, **SB 61**, **SB 66**, **SB 104**, **SR 12**, **SR 22**, **SR 25**, **SR 49**, **SR 59**.
Transmitted to the House: **SB 98**, **SB 113**, **SB 120**, **SB 126**, **SB 148**.
Signed by the Secretary of the Senate at 3:30 p.m., February 15, 2021: **SB 23**, **SB 25**, **SB 27**, **SB 68**, **SR 35**, **SR 36**, **SR 37**.
Signed by the Secretary of the Senate at 10:30 a.m., February 16, 2021: **SB 24**, **SR 34**, **SR 55**.
Signed by the President at 9:10 a.m., February 16, 2021: **SR 35**, **SR 36**, **SR 37**.
Signed by the President at 9:15 a.m., February 16, 2021: **SB 23**, **SB 25**, **SB 27**, **SB 68**.
Signed by the President at 10:40 a.m., February 16, 2021: **SR 34**, **SR 55**.
Signed by the President at 10:45 a.m., February 16, 2021: **SB 24**.
Signed by the Speaker at 2:30 p.m., February 16, 2021: **SB 23**, **SB 24**, **SB 25**, **SB 27**, **SB 68**.
Delivered to the Secretary of State at 3:07 p.m., February 16, 2021: **SR 34**, **SR 35**, **SR 36**, **SR 37**, **SR 55**.
Delivered to the Governor for information February 16, 2021: **SR 34**, **SR 35**, **SR 36**, **SR 37**, **SR 55**.
Delivered to the Governor for signature at 12:00 p.m., February 16, 2021: **SB 1**, **SB 3**, **SB 6**, **SB 21**, **SB 26**, **SB 30**, **SB 34**, **SB 35**, **SB 36**, **SB 45**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/16/2021
HB 130, be amended as follows:

1. Title, line 5 through line 6.
Strike: "CONSTRUCTION" on line 5 through "CONTRACTOR" on line 6
Insert: "GENERAL CONTRACTOR CONSTRUCTION MANAGEMENT"

2. Page 1, line 11 through line 12.

Strike: "**CONSTRUCTION**" on line 11 through "**CONTRACTOR**" on line 12
Insert: "**General contractor construction management**"

3. Page 1, line 14.
Strike: "CONSTRUCTION MANAGER GENERAL CONTRACTOR"
Insert: "general contractor construction management"

4. Page 2, line 11.
Strike: "CONSTRUCTION MANAGER GENERAL CONTRACTOR"
Insert: "general contractor construction management"

5. Page 2, line 19 through line 22.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

6. Page 3.
Following: line 2
Insert: "(5) "General contractor construction management contract" means a contract in which the general contractor, in addition to providing the preconstruction, budgeting, and scheduling services, procures necessary construction services, equipment, supplies, and materials through competitive bidding contracts with subcontractors and suppliers to construct the project."

7. Page 3, line 23.
Strike: "CONSTRUCTION MANAGER GENERAL CONTRACTOR"
Insert: "general contractor construction management"

8. Page 4, line 1 through line 4.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

9. Page 4.
Following: line 12
Insert: "(5) "General contractor construction management contract" means a contract in which the general contractor, in addition to providing the preconstruction, budgeting, and scheduling services, procures necessary construction services, equipment, supplies, and materials through competitive bidding contracts with subcontractors and suppliers to construct the project."

10. Page 7, line 28 through page 8, line 1.
Strike: "CONSTRUCTION" line 28 through "CONTRACTOR" on page 8, line 1
Insert: "general contractor construction management"

And, as amended, be concurred in.

HB 193, be amended as follows:

1. Page 1, line 22 through line 25.
Following: "~~$2,500~~." on line 22
Strike: remainder of line 22 through line 25 in their entirety

And, as amended, be concurred in.

HB 199, be concurred in.
HB 234, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/15/2021
SB 99, introduced bill, be amended as follows:
1. Title, line 5 through line 6.
Strike: "REQUIRING" on line 5 through "EDUCATION;" on line 6
Insert: "ALLOWING A PARENT OR GUARDIAN OF A CHILD TO REMOVE THE CHILD FROM HUMAN SEXUALITY INSTRUCTION; PROVIDING A DEFINITION OF HUMAN SEXUALITY INSTRUCTION;"

2. Page 2, line 2 through line 7.
Strike: subsection (1) in its entirety
Insert: "(1) A parent, guardian, or other person who is responsible for the care of a child may refuse to allow the child to attend or withdraw the child from a course of instruction, a class period, an assembly, an organized school function, or instruction provided by the district through its staff or guests invited at the request of the district regarding human sexuality instruction. The withdrawal or refusal to attend is an excused absence pursuant to 20-5-103."

3. Page 2, line 9.
Strike: "that involves human sexual education, human sexuality issues, or information regarding sexual acts"
Insert: "at which the district provides human sexuality instruction"

4. Page 2, line 13.
Following: "shall"
Insert: "annually"
Following: "student"
Insert: "scheduled to be"
Following: "in"
Insert: "human sexuality instruction in"
Following: the second "school"
Insert: "in advance of the instruction"

5. Page 2, line 17.
Strike: "include"
Insert: "withdraw"

6. Page 2, line 17.
Strike: "in"
Insert: "from"

7. Page 2, line 24.
Following: "services."
Insert: "(6) For purposes of this section, “human sexuality instruction” means teaching or otherwise providing information about human sexuality, including intimate relationships, human sexual anatomy, sexual reproduction, sexually transmitted infections, sexual acts, sexual orientation, gender identity, abstinence, contraception, or reproductive rights and responsibilities."

And, as amended, do pass.

HB 143, be concurred in.

LOCAL GOVERNMENT (Gauthier, Chair): 2/15/2021
SB 165, do pass.

NATURAL RESOURCES (Welborn, Chair): 2/15/2021
SB 136, introduced bill, be amended as follows:

1. Page 1, line 24.
Strike: "water right demands"
Insert: "existing legal demands of water rights"

2. Page 1, line 26.
Strike: "water right demands"
Insert: "existing legal demands of water rights"

3. Page 1, line 28.
Strike: "water right demands"
Insert: "existing legal demands of water rights"

4. Page 3, line 4.
Strike: "water right demands"
Insert: "existing legal demands of water rights"

5. Page 3, line 4 through line 5.
Following: "projected" on line 4
Strike: "water" on line 4 through "demands" on line 5
Insert: "legal demands of water rights"

6. Page 4, line 7.
Strike: "water right demands"

Insert: "existing legal demands of water rights"

7. Page 6, line 28.
Strike: "existing water right demands"
Insert: "existing legal demands of water rights"

8. Page 6, line 28.
Strike: "demands for water"
Insert: "legal demands of water rights"

9. Page 8, line 14.
Strike: "water right demands"
Insert: "existing legal demands of water rights"

And, as amended, do pass.

STATE ADMINISTRATION (Kary, Chair): 2/15/2021
SB 175, do pass.
SR 26, be adopted. (Refer to Journal for next legislative day)

TAXATION (Hoven, Chair): 2/16/2021
SR 69, be adopted.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORT

STATE ADMINISTRATION (Kary, Chair): 2/15/2021
SR 14, be **not** adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/15/2021

SB 67, introduced by S. Fitzpatrick
SB 112, introduced by S. Fitzpatrick

House bills passed and transmitted to the Senate for concurrence: 2/15/2021

HB 202, introduced by D. Loge
HB 217, introduced by E. Buttrey
HB 220, introduced by B. Putnam
HB 260, introduced by S. Berglee
HB 282, introduced by F. Anderson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 252, introduced by D. Howard, M. Blasdel, K. Bogner, B. Brown, J. Ellsworth, C. Friedel, T. Gauthier, B. Gillespie, C. Glimm, G. Hertz, S. Hinebauch, D. Kary, B. Keenan, T. Manzella, T. McGillvray, B. Molnar, R. Osmundson, K. Regier, C. Smith, B. Usher, G. Vance, referred to Judiciary.
SB 253, introduced by G. Hertz, referred to Taxation.
SB 254, introduced by M. McNally, referred to State Administration.
SB 255, introduced by P. Flowers, J. Cohenour, referred to Fish and Game.
SB 256, introduced by P. Flowers, J. Cohenour, referred to Judiciary.
SB 257, introduced by J. Small, D. Ankney, S. Fitzpatrick, J. Welborn, referred to Local Government.
SB 258, introduced by D. Ankney, referred to Natural Resources.
SB 259, introduced by T. Manzella, M. Binkley, J. Ellsworth, J. Hinkle, R. Marshall, C. Smith, J. Trebas, referred to Judiciary.
SB 260, introduced by S. Fitzpatrick, M. Blasdel, J. Ellsworth, J. Small, referred to Business, Labor, and Economic Affairs.
SB 261, introduced by S. Fitzpatrick, referred to Judiciary.
SB 262, introduced by M. Cuffe, referred to Taxation.
SB 263, introduced by M. Cuffe, referred to Taxation.
.
The following Senate bills, previously introduced, were referred to committees:

SB 250, introduced by J. Cohenour, referred to Public Health, Welfare and Safety.

SB 251, introduced by C. Smith, referred to Business, Labor, and Economic Affairs.

The following Senate bill was introduced and read first time:

SB 264, introduced by M. McNally.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 11, introduced by E. Boldman, W. Curdy, B. Gillespie, S. Hinebauch, B. Hoven, L. Jones, R. Marshall, F. Smith, K. Walsh, referred to Agriculture, Livestock and Irrigation.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 75, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 76, introduced by D. Kary, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 202, introduced by D. Loge, referred to Fish and Game.
HB 217, introduced by E. Buttrey, F. Smith, T. Jacobson, R. Lynch, F. Garner, W. McKamey, . Harvey, K. Sullivan, A. Buckley, referred to Business, Labor, and Economic Affairs.
HB 220, introduced by B. Putnam, D. Ankney, G. Custer, B. Gillespie, referred to Local Government.
HB 260, introduced by S. Berglee, W. Galt, J. Hinkle, M. Noland, S. Vinton, J. Fuller, R. Farris-Olsen, T. Running Wolf, referred to Fish and Game.
HB 282, introduced by F. Anderson, E. Buttrey, L. Jones, S. Berglee, R. Fitzgerald, D. Bedey, W. Galt, S. Greef, J. Carlson, S. Galloway, S. Gist, M. Bertoglio, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Friedel in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 178 - Majority Leader Smith moved consideration of **SB 178** be placed at the bottom of the second reading board. Without objection, so ordered.

SR 60 - Senator Hinebauch moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 60**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 3 - Senator Gauthier moved **SJ 3** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 140 - Senator K. Regier moved **SB 140** do pass.

SB 140 - Senator Gross moved **SB 140**, second reading copy, be amended as follows:

1. Page 1.
Following: line 16
Insert: "(b) (i) Members of the governor's family are ineligible for appointment.
(ii) The lieutenant governor, members of the governor's personal staff, and cabinet-level

appointees are ineligible for appointment for a period of 2 years after leaving their positions."
Renumber: subsequent subsections

Amendment **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 21

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 140 - Thereupon, the Senate reverted to the original motion of Senator K. Regier which passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 135 - Senator Fitzpatrick moved **SB 135** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 44 - Senator Esp moved **SB 44** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 161 - Senator Esp moved **SB 161** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 149 - Senator McGillvray moved **SB 149** do pass.

SB 149 - Senator McGillvray moved **SB 149**, second reading copy, be amended as follows:

1. Page 1, line 12 through line 13.
Following: "requirements"
Strike: "--" on line 12 through "**penalties**" on line 13

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Bennett, Gross, Morigeau.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 149 - Senator McGillvray moved **SB 149**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar,

Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 144 - Senator Fitzpatrick moved **SB 144** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Cohenour, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

President Blasdel assumed the chair.

SB 178 - Senator Friedel moved **SB 178** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Friedel moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 36

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Esp arose on a point of personal privilege and apologized to Senate members for using specific business names during Committee of the Whole discussion.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, February 17, 2021, the thirty-third legislative day. Motion carried.

Senate adjourned at 2:24 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
THIRTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 17, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/17/2021

Correctly printed: **SB 252**, **SB 253**, **SB 254**, **SB 255**, **SB 256**, **SB 257**, **SB 258**, **SB 259**, **SB 260**, **SB 261**, **SB 262**, **SB 263**, **SB 264**, **SJ 3**, **SJ 11**, **SR 60**, **SR 69**, **SR 75**, **SR 76**, **HB 143**, **HB 199**, **HB 234**.
Correctly engrossed: **SB 99**, **SB 149**, **HB 130**, **HB 193**.
Examined by the sponsor and found to be correct: **SB 41**, **SB 61**, **SB 66**, **SB 104**.
Signed by the Secretary of the Senate at 3:30 p.m., February 3, 2021: **SB 5**.
Signed by the Secretary of the Senate at 11:45 a.m., February 17, 2021: **SR 12**, **SR 22**, **SR 25**, **SR 49**, **SR 59**.
Signed by the Secretary of the Senate at 3:00 p.m., February 17, 2021: **SB 41**, **SB 61**, **SB 66**, **SB 104**.
Signed by the President at 9:20 a.m., February 17, 2021: **SB 5**.
Signed by the President at 2:15 p.m., February 17, 2021: **SR 12**, **SR 22**, **SR 25**, **SR 49**, **SR 59**.
Signed by the President at 3:30 p.m., February 17, 2021: **SB 41**, **SB 61**, **SB 66**, **SB 104**.
Signed by the Speaker at 12:15 p.m., February 17, 2021: **SB 5**.
Delivered to the Secretary of State at 3:12 p.m., February 17, 2021: **SR 12**, **SR 22**, **SR 25**, **SR 49**, **SR 59**.
Delivered to the Governor for information February 17, 2021: **SR 12**, **SR 22**, **SR 25**, **SR 49**, **SR 59**.
Delivered to the Governor for signature at 10:34 a.m., February 17, 2021: **SB 23**, **SB 24**, **SB 25**, **SB 27**, **SB 68**.
Delivered to the Governor for signature at 3:15 p.m., February 17, 2021: **SB 5**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Lang, Chair): 2/16/2021
SR 63, be adopted.
SR 65, introduced resolution, be amended as follows:

1. Page 1, line 12.
Strike: "2025"
Insert: "2024"

And, as amended, be adopted.

SR 66, be adopted.
SR 68, be adopted.
SR 70, be adopted.
HB 94, be concurred in.
HB 142, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/16/2021
HB 103, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 2/16/2021
SB 52, do pass.
SB 191, introduced bill, be amended as follows:

1. Page 2, line 8.
Strike: "as calculated in subsection (3)"
Insert: "as defined in subsection (6)"

2. Page 2, line 10 through line 11.
Strike: the second "in" on line 10 through "year" on line 11

3. Page 2, line 11.
Following: "year,"
Insert: "then"

4. Page 2, line 14.
Strike: "prior"
Insert: "most recently completed"

And, as amended, do pass.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/16/2021
HB 83, be concurred in.

JUDICIARY (Regier, Chair): 2/16/2021
SB 185, introduced bill, be amended as follows:

1. Page 2, line 2.
Following: "rights"
Insert: "under the United States constitution or the Montana constitution, including 13-19-104(3)"

And, as amended, do pass.

JUDICIARY (Regier, Chair): 2/17/2021
SB 203, do pass.

STATE ADMINISTRATION (Kary, Chair): 2/17/2021
Committee report on **SR 26**, reported the previous legislative day, was produced in error. The resolution remains tabled in committee.

TAXATION (Hoven, Chair): 2/17/2021
SB 205, do pass.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORT

AGRICULTURE, LIVESTOCK AND IRRIGATION (Lang, Chair): 2/16/2021
SR 64, be **not** adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 67, be **not** adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

February 17, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear Senator Blasdel:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the following board appointments for confirmation.

In accordance with MCA § 2-15-1706, I have appointed Richard Bartos, 1121 Choteau, Helena, MT 59601, as a member of the Commission for Human Rights effective February 16, 2021. Mr. Bartos fulfills the qualifications of a public member and replaces Margaret Campbell, whose term ended February 17, 2021. Mr. Bartos' term will expire January 1, 2023.

In accordance with MCA § 2-15-1019, I have appointed Curtis Laingen, 7810 Scandia Road, Shepherd, MT 59079, as a member of the State Fund Board of Directors effective February 17, 2021. Mr. Laingen fulfills the qualifications of a policy holder in private enterprise and replaces Matthew Mohr whose term ended February 17, 2021. Mr. Laingen's term will expire March 31, 2023.

If you need additional information, please call Liane Taylor, Boards and Appointments Director, at extension 4405.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/16/2021

SB 9, introduced by R. Tempel
SB 90, introduced by J. Small

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:
2/16/2021

SB 47, introduced by R. Lynch

House bills passed and transmitted to the Senate for concurrence: 2/16/2021

HB 20, introduced by B. Beard
HB 259, introduced by S. Vinton
HB 266, introduced by K. Holmlund
HB 273, introduced by D. Skees
HB 281, introduced by S. Gunderson

House joint resolutions passed and transmitted to the Senate for concurrence: 2/16/2021

HJ 4, introduced by M. Caferro
HJ 5, introduced by B. Tschida

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 265, introduced by S. Fitzpatrick, D. Ankney, J. Small, referred to Business, Labor, and Economic Affairs.
SB 266, introduced by S. Fitzpatrick, J. Ellsworth, referred to Business, Labor, and Economic Affairs.
SB 267, introduced by B. Brown, L. Brewster, J. Ellsworth, P. Fielder, C. Friedel, J. Fuller, C. Glimm, J. Kassmier, D. Loge, M. Malone, T. Manzella, J. Read, K. Regier, G. Vance, referred to Fish and Game.
SB 268, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.
SB 269, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.
SB 270, introduced by B. Hoven, referred to Agriculture, Livestock and Irrigation.
SB 271, introduced by C. Glimm, B. Brown, M. Noland, C. Smith, B. Usher, G. Vance, referred to Judiciary.
SB 272, introduced by G. Vance, C. Knudsen, referred to State Administration.
SB 273, introduced by M. Sweeney, B. Bennett, J. Cohenour, P. Flowers, M. Fox, B. Gillespie, J.

Gross, T. Jacobson, R. Lynch, E. McClafferty, M. McNally, S. O'Brien, J. Pomnichowski, C. Pope, D. Sands, R. Tempel, S. Webber, referred to Business, Labor, and Economic Affairs.
SB 274, introduced by C. Friedel, referred to Highways and Transportation.
SB 275, introduced by J. Welborn, M. Blasdel, J. Ellsworth, C. Glimm, referred to Business, Labor, and Economic Affairs.
SB 276, introduced by M. Cuffe, referred to State Administration.
SB 277, introduced by T. McGillvray, D. Ankney, M. Binkley, M. Blasdel, K. Bogner, L. Brewster, B. Brown, J. Ellsworth, P. Fielder, C. Friedel, J. Fuller, W. Galt, C. Glimm, G. Hertz, S. Hinebauch, D. Howard, D. Kary, J. Kassmier, B. Keenan, R. Knudsen, D. Lenz, B. Ler, T. Manzella, B. Molnar, T. Moore, F. Nave, M. Noland, R. Osmundson, J. Patelis, B. Phalen, J. Read, A. Regier, K. Regier, M. Regier, V. Ricci, K. Seekins-Crowe, D. Skees, C. Smith, M. Stromswold, B. Tschida, G. Vance, S. Vinton, J. Welborn, K. Zolnikov, referred to Judiciary.
SB 278, introduced by G. Hertz, S. Berglee, M. Blasdel, J. Ellsworth, S. Fitzpatrick, S. Galloway, W. Galt, D. Howard, D. Kary, C. Knudsen, C. Smith, G. Vance, S. Vinton, referred to Business, Labor, and Economic Affairs.
SB 279, introduced by K. Bogner, J. Carlson, S. Galloway, B. Gillespie, S. Hinebauch, J. Schillinger, referred to Agriculture, Livestock and Irrigation.
SB 280, introduced by C. Glimm, D. Bartel, K. Bogner, B. Brown, J. Ellsworth, C. Friedel, J. Fuller, S. Galloway, G. Hertz, S. Hinebauch, B. Hoven, B. Keenan, M. Lang, D. Loge, T. Manzella, T. McGillvray, T. Moore, M. Noland, R. Osmundson, D. Salomon, C. Smith, B. Tschida, B. Usher, G. Vance, referred to Judiciary.
SB 281, introduced by J. Welborn, D. Ankney, T. Gauthier, T. Jacobson, D. Salomon, J. Small, J. Trebas, referred to Education and Cultural Resources.

The following Senate bills were introduced and read first time:

SB 282, introduced by T. Manzella.
SB 283, introduced by C. Glimm.

The following Senate bill, previously introduced, was referred to committee:

SB 264, introduced by M. McNally, referred to Energy and Telecommunications.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 77, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 78, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 79, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 80, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 20, introduced by B. Beard (by request of the Department of Transportation), referred to Highways and Transportation.

HB 259, introduced by S. Vinton, E. Buttrey, D. Skees, S. Fitzpatrick, D. Kary, K. Regier, C. Smith, G. Vance, M. Blasdel, C. Glimm, J. Hinkle, M. Noland, V. Ricci, B. Tschida, J. Trebas, M. Hopkins, F. Fleming, J. Dooling, B. Mercer, L. Brewster, K. Zolnikov, S. Gist, K. Seekins-Crowe, M. Stromswold, C. Hinkle, K. Whitman, C. Friedel, referred to Local Government.
HB 266, introduced by K. Holmlund, E. Buttrey, J. Windy Boy, B. Hoven, M. Blasdel, L. Jones, T. Jacobson, F. Garner, K. Kelker, D. Fern, D. Loge, F. Anderson, M. Hopkins, J. Dooling, K. Bogner, D. Bedey, G. Frazer, K. Whitman, referred to Highways and Transportation.
HB 281, introduced by S. Gunderson, referred to Highways and Transportation.

The following House bill was introduced and read first time:

HB 273, introduced by D. Skees.

The following House bill, previously introduced, was referred to committee:

HB 112, introduced by J. Fuller, referred to Judiciary.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 4, introduced by M. Caferro, referred to Judiciary.
HJ 5, introduced by B. Tschida, D. Howard, M. Blasdel, V. Ricci, J. Fuller, B. Mitchell, J. Schillinger, C. Hinkle, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jacobson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 84 - Majority Leader Smith moved consideration of **SB 84** be passed for the day. Without objection, so ordered.

SR 48 - Senator K. Regier moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 48**. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 58 - Senator Welborn moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 58**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Gross, Pomnichowski, Pope.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 152 - Senator Hoven moved **SB 152** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 39

Nays: Boland, Cohenour, Ellis, Fox, Gross, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 109 - Senator Salomon moved **SB 109** do pass.

SB 109 - Senator Keenan moved **SB 109**, second reading copy, be amended as follows:

1. Title, line 4.
Strike: "REQUIRING"
Insert: "ALLOWING"

2. Page 1, line 11.
Strike: "shall"
Insert: "may"

3. Page 1, line 18.
Strike: "SHALL"
Insert: "may"

Amendment **failed** as follows:

Yeas: Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hinebauch, Kary, Keenan, Lang, McGillvray, Molnar, Osmundson, Regier K, Vance, Mr. President.
Total 18

Nays: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn.
Total 32

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 109 - Thereupon, the Senate reverted to the original motion of Senator Salomon which passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Esp, Keenan.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 147 - Senator McNally moved **SB 147** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gauthier, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber.
Total 28

Nays: Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 145 - Senator Fitzpatrick moved **SB 145** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 172 - Senator Howard moved **SB 172** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 29 - Senator Gillespie moved **SB 29** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, Lynch, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Sales, Salomon, Sands, Small, Sweeney, Tempel, Welborn.
Total 32

Nays: Brown, Cuffe, Ellsworth, Flowers, Glimm, Hertz, Hinebauch, Kary, Keenan, Manzella, McClafferty, McGillvray, Pope, Regier K, Smith C, Vance, Webber, Mr. President.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Jacobson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 81 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie,

Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 111 passed as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Salomon, Sands, Small, Smith C, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sweeney, Tempel, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 44 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: Sweeney.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 135 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 140 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 144 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 38

Nays: Boland, Cohenour, Flowers, Gross, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 12

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 161 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 178 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 3 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 29**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 76** be taken from the second reading board and re-referred to the Business, Labor and Economic Affairs Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, February 18, 2021, the thirty-fourth legislative day. Motion carried.

Senate adjourned at 2:15 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
THIRTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 18, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/18/2021

Correctly printed: **SB 29**, **SB 52**, **SB 76**, **SB 109**, **SB 145**, **SB 147**, **SB 152**, **SB 172**, **SB 203**, **SB 205**, **SB 265**, **SB 266**, **SB 267**, **SB 268**, **SB 269**, **SB 270**, **SB 271**, **SB 272**, **SB 273**, **SB 274**, **SB 275**, **SB 276**, **SB 277**, **SB 278**, **SB 279**, **SB 280**, **SB 281**, **SB 282**, **SB 283**, **SR 48**, **SR 58**, **SR 63**, **SR 66**, **SR 68**, **SR 70**, **SR 77**, **SR 78**, **SR 79**, **SR 80**, **HB 83**, **HB 94**, **HB 103**, **HB 142**.
Correctly engrossed: **SB 185**, **SB 191**, **SR 65**.
Correctly enrolled: **SB 9**, **SB 67**, **SB 79**, **SB 90**, **SB 96**, **SB 97**, **SB 112**, **SR 27**, **SR 28**, **SR 30**, **SR 31**, **SR 52**, **SR 53**.
Examined by the sponsor and found to be correct: **SB 9**, **SB 67**, **SB 79**, **SB 90**, **SB 97**, **SR 52**, **SR 53**.
Transmitted to the House: **SB 44**, **SB 81**, **SB 111**, **SB 135**, **SB 140**, **SB 144**, **SB 161**, **SB 178**, **SJ 3**.
Signed by the Secretary of the Senate at 11:50 a.m., February 18, 2021: **SR 27**, **SR 28**, **SR 30**, **SR 31**.
Signed by the President at 11:57 a.m., February 18, 2021: **SR 27**, **SR 28**, **SR 30**, **SR 31**.
Signed by the Speaker at 8:20 a.m., February 18, 2021: **SB 41**, **SB 61**, **SB 66**, **SB 104**.
Delivered to the Secretary of State at 3:29 p.m., February 18, 2021: **SR 27**, **SR 28**, **SR 30**, **SR 31**.
Delivered to the Governor for information, February 18, 2021: **SR 27**, **SR 28**, **SR 30**, **SR 31**.
Delivered to the Governor for signature at 8:51 a.m., February 18, 2021: **SB 41**, **SB 61**, **SB 66**, **SB 104**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/18/2021
SB 186, do pass.
SB 190, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "include"
Insert: "salaried"
Following: "or"

Insert: "salaried"

2. Page 2, line 3.
Strike: "Manager"
Insert: "Salaried manager"

3. Page 2, line 3.
Strike: ""supervisor""
Insert: ""salaried supervisor""

And, as amended, do pass.

SB 207, introduced bill, be amended as follows:

1. Title, line 7.
Following: "PACKAGE;"
Insert: "PROVIDING THAT CERTAIN RETAIL LICENSEES MAY NOT SELL ALCOHOL BETWEEN 2 A.M. AND 6 A.M.;"

2. Page 1, line 20 through line 22.
Strike: "The" on line 20 through "consumption." on line 22
Insert: "For establishments licensed under 16-4-115 for the sale of beer, table wine, or both in the original package for off-premises consumption, sales are prohibited each day between 2 a.m. and 6 a.m."

And, as amended, do pass.

HB 180, be concurred in.
HB 214, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/17/2021
SR 42, be adopted.
SR 44, be adopted.
SR 73, be adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/17/2021
SB 100, introduced bill, be amended as follows:

1. Title, line 6.
Following: "OF"
Insert: "CERTAIN"
Following: "ASSISTANCE"
Insert: "PROGRAMS"

2. Title, line 8.

Following: "AUTHORITY;"
Insert: "PROVIDING FOR CONTINGENT VOIDNESS;"

3. Page 1, line 19.
Strike: "household composition,"

4. Page 2, line 9.
Following: "computerized"
Insert: ","
Strike: "income, asset, and identity eligibility verification"
Insert: "enhanced"

5. Page 2, line 10.
Following: "eligibility,"
Insert: "assess income and assets,"
Following: "deter"
Insert: "errors, omissions,"

6. Page 2, line 10 through line 11.
Strike: "each" on line 10 through "administers" on line 11
Insert: "the following programs:
(a) the food assistance program provided for in Title 53, chapter 2, part 9;
(b) the temporary assistance for needy families program provided for in Title 53, chapter 4, part 2;
(c) the children's health insurance program provided for in Title 53, chapter 4, part 10;
(d) medical assistance programs provided for in Title 53, chapter 6, that serve adults and for which the income eligibility standard is based solely on an applicant's modified adjusted gross income; and
(e) the Montana Health and Economic Livelihood Partnership Act program provided for in Title 53, chapter 6, part 13"

7. Page 2, line 12.
Following: "into"
Strike: "a"

8. Page 2, line 12.
Strike: "contract"
Insert: "contracts"

9. Page 2, line 12.
Following: "with"
Strike: "a"

10. Page 2, line 12.
Strike: "vendor"
Insert: "vendors"

11. Page 2, line 14.
Following: "prevent"
Insert: "errors, omissions,"

12. Page 2, line 15.
Following: "eligibility"
Strike: "for public assistance"

13. Page 2, line 17.
Strike: "quarterly"
Insert: "at least every 6 months"

14. Page 2, line 23.
Following: "structure"
Strike: "must be based on a per-applicant rate and"

15. Page 2, line 24.
Following: "identifying"
Insert: "errors, omissions,"

16. Page 2, line 25 through line 27.
Strike: line 25 through "system" on line 27
Insert: "(b) the initial contract must be limited to 1 year. The department may enter into extended-length contracts after the first year "

17. Page 3, line 3.
Strike: "enrollment"
Insert: "eligibility determination"

18. Page 3, line 3.
Following: "services"
Insert: "for any of the programs specified in subsection (1)"

19. Page 3, line 4.
Following: "eligibility"
Insert: "and identity verification"

20. Page 3, line 8.
Strike: "public assistance within 10 days or the minimum"
Insert: "eligibility in a program specified in [section 2] within the"

21. Page 3, line 8 through line 9.
Strike: "Prior" on line 8 through "basis" on line 9
Insert: "In initially determining eligibility and at least every 6 months"

22. Page 3, line 9 through line 10.

Strike: "verify" on line 9 through "identity" on line 10
Insert: ", to the extent practicable and if not cost prohibitive, determine the following"

23. Page 3, line 10.
Strike: the first "of"
Insert: "as it relates to"

24. Page 3, line 10.
Strike: "and"
Insert: "or"

25. Page 3, line 10.
Following: the second "of"
Strike: "public"
Following: "assistance"
Strike: "against"

26. Page 3, line 15.
Strike: subsections (c) in its entirety
Renumber: subsequent subsections

27. Page 3, line 20.
Strike: "prisoner"
Insert: "arrest and incarceration"

28. Page 4.
Following: line 20
Insert: "(2) As an alternative to using the verification sources provided for in subsections (1)(a) and (1)(b), the department may use nonmodeled employment and income information from an external vendor in accordance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681, et seq."
Renumber: subsequent subsections

29. Page 4, line 21.
Strike: "Prior to awarding public assistance and on a quarterly basis after assistance is awarded"
Insert: "In initially determining eligibility and at least every 6 months after eligibility is determined"

30. Page 5, line 9.
Strike: "**authentication**"
Insert: "**verification**"

31. Page 5, line 9 through line 16.
Following: "**process.**" on line 9
Strike: remainder of line 9 through line 16 in their entirety
Insert: "(1) The department shall verify the identity of individuals upon application for benefits

provided through a program specified in [section 2]. The department shall incorporate an enhanced identity verification process that includes but is not limited to digital and physical identity authentication factors using data sources permitted by federal and state law.

(2) The department shall ensure that identify verification processes for the programs exceed the minimum standards required by the federal agency having funding authority for the program."

32. Page 5, line 18.
Following: "**review.**"
Strike: "(1)"

33. Page 5, line 19.
Following: "identity"
Insert: ", income, or asset"

34. Page 5, line 20 through line 21.
Strike: "as" on line 20 through "section" on line 21
Insert: "in compliance with federal and state provisions governing adverse actions and determinations"

35. Page 5, line 22 through page 6, line 28.
Strike: subsections (2) through (6) in their entirety

36. Page 7, line 2.
Following: "**fraud,**"
Insert: "**intentional**"

37. Page 7, line 2.
Strike: "**inadequate**"
Insert: "**misleading**"

38. Page 7, line 3.
Strike: "public assistance"
Insert: "the programs specified in [section 2]"

39. Page 7, line 5.
Following: "a"
Strike: "public assistance"
Following: "ineligible"
Insert: "according to eligibility criteria and regulations for the program"

40. Page 7, line 6.
Following: "fraud"
Insert: "or intentional misrepresentation"

41. Page 7, line 8.
Following: "penalties;"
Insert: "and"

42. Page 7, line 9 through line 10.
Strike: subsection (c) in its entirety
Renumber: subsequent subsection

43. Page 7, line 11.
Following: the first "of"
Strike: "ineligibility and"
Following: "fraud,"
Insert: "intentional"

44. Page 7, line 12.
Strike: "inadequate"
Insert: "misleading"

45. Page 7, line 14.
Following: the first "of"
Strike: "public"

46. Page 7, line 23.
Following: "setting"
Insert: ","
Strike: "or"

47. Page 7, line 23.
Following: "facility"
Insert: ", or other location"

48. Page 7, line 25.
Following: "amount"
Insert: "for each service"

49. Page 7, line 26.
Following: "payment"
Insert: "for each service"

50. Page 7, line 27.
Strike: "beneficiaries treated"
Insert: "medicaid members served"

51. Page 8, line 1.
Strike: "The"

Insert: "No later than December 31, 2023, and annually after the initial report is made, the"

52. Page 8, line 2.
Strike: "governor"
Insert: "office of budget and program planning"

53. Page 8, line 2.
Strike: "auditor"
Insert: "finance committee and the children, families, health, and human services interim committee"

54. Page 8, line 2 through line 6.
Following: "detailing" on line 2
Insert: ":"
Strike: "the" on line 2 through "agency" on line 6
Insert: "(1) the implementation status of the enhanced eligibility verification system and enhanced identity verification process;
(2) the overall effectiveness, general findings, and estimated savings of the enhanced eligibility verification system and enhanced identity verification process;
(3) the status and outcome of cases reported to law enforcement organizations, including the department of justice; and
(4) for each program specified in [section 2], the:
(a) number of case discrepancies identified;
(b) number of case discrepancies reviewed;
(c) number of requests for additional information notices issued;
(d) number and type of case discrepancy resolutions;
(e) number and types of requests for additional information resolutions;
(f) number of referrals for criminal prosecution; and
(g) overpayments established and collected"

55. Page 8, line 6 through line 9.
Following: "agency." on line 6
Strike: remainder of line 6 through line 9 in their entirety

56. Page 9.
Following: line 18
Insert: "COORDINATION SECTION. **Section 11. Coordination instruction.** If either House Bill No. 235 or House Bill No. 339, or both, and [this act] are passed and approved, then the reference in [this act] to the "the food assistance program provided for in Title 53, chapter 2, part 9" in [section 2(1)(a)] must be changed to "the supplemental nutrition assistance program provided for in Title 53, chapter 2, part 9". "
Insert: "NEW SECTION. **Section 12. {standard} Saving clause.** [This act] does not affect rights and duties that matured before [the effective date of this act]."
Renumber: subsequent sections

57. Page 9.
Following: line 22
Insert: "NEW SECTION. **Section 14. Contingent voidness.** (1) If a federal agency having granting authority over the program notifies the department of public health and human services that a provision of [this act] does not comply with federal law or regulations, then that provision is void.
(2) The department of public health and human services shall notify the code commissioner of any occurrence of the contingency and the provisions of [this act] to which the contingency applies."

And, as amended, do pass.

SR 56, be adopted.
SR 57, be adopted.
SR 71, be adopted.

STATE ADMINISTRATION (Kary, Chair): 2/17/2021
SB 162, introduced bill, be amended as follows:

1. Title, line 8.
Strike: "SECTION"
Insert: "SECTIONS"

2. Title, line 8.
Following: "13-1-101"
Insert: "AND 13-37-233"

3. Page 10.
Following: line 4
Insert: "**Section 3.** Section 13-37-233, MCA, is amended to read:
"**13-37-233. Reports to be filed regardless of tax status.** (1) A person that makes an election communication, an electioneering communication, or an independent expenditure shall file reports required by this chapter regardless of the person's tax status under state or federal law.
(2) This section does not apply to the exemptions granted to a religious organization under the definitions of a contribution, election communication, electioneering communication, and expenditure as provided in 13-1-101.""
Renumber: subsequent sections

And, as amended, do pass.

SB 196, do pass.
SJ 4, do pass.
SJ 5, do pass.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORT

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/17/2021
SR 43, introduced resolution, be amended as follows:

1. Page 1, line 5.
Strike: "APPOINTMENTS"
Insert: "APPOINTMENT"

2. Page 1, line 9.
Strike: "appointments"
Insert: "appointment"

3. Page 1, line 10.
Strike: "have"
Insert: "has"

4. Page 1, line 11.
Strike: "members"
Insert: "a member"

5. Page 1, line 12.
Strike: "Sharon Carroll, Ekalaka, Montana, appointed to a term ending January 31, 2025."

6. Page 1, line 17.
Strike: "appointments"
Insert: "appointment"

And, as amended, be **not** adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/17/2021

HB 37, introduced by T. Welch
HB 268, introduced by B. Phalen
HB 271, introduced by R. Marshall
HB 275, introduced by M. Caferro
HB 283, introduced by F. Anderson
HB 293, introduced by B. Mercer
HB 309, introduced by J. Read
HB 310, introduced by A. Buckley
HB 313, introduced by J. Gillette
HB 331, introduced by C. Knudsen

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 284, introduced by R. Tempel, D. Ankney, K. Bogner, S. Galloway, B. Gillespie, E. Hill, S. Hinebauch, B. Hoven, J. Kassmier, M. Lang, M. Malone, T. McGillvray, B. Molnar, K. Regier, W. Sales, D. Salomon, J. Schillinger, J. Small, C. Smith, M. Sweeney, G. Vance, J. Welborn, T. Welch, referred to Natural Resources.
SB 285, introduced by S. Hinebauch, referred to Highways and Transportation.
SB 286, introduced by S. Hinebauch, referred to Local Government.
SB 287, introduced by W. Sales, M. Lang, referred to State Administration.
SB 288, introduced by W. Sales, referred to Taxation.
SB 289, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.

The following Senate bills, previously introduced, were referred to committees:

SB 282, introduced by T. Manzella, referred to Judiciary.
SB 283, introduced by C. Glimm, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 37, introduced by T. Welch (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.

HB 268, introduced by B. Phalen, M. Noland, B. Usher, B. Ler, S. Galloway, G. Frazer, referred to Local Government.
HB 271, introduced by R. Marshall, referred to Highways and Transportation.
HB 275, introduced by M. Caferro, referred to Public Health, Welfare and Safety.
HB 283, introduced by F. Anderson, E. Buttrey, L. Jones, S. Berglee, F. Garner, R. Fitzgerald, D. Bedey, S. Greef, S. Galloway, S. Gist, M. Bertoglio, referred to Business, Labor, and Economic Affairs.
HB 293, introduced by B. Mercer, S. Fitzpatrick, referred to Judiciary.
HB 309, introduced by J. Read, referred to Judiciary.
HB 310, introduced by A. Buckley, M. Stromswold, referred to Judiciary.
HB 313, introduced by J. Gillette, referred to Judiciary.
HB 331, introduced by C. Knudsen, E. Buttrey, D. Skees, D. Salomon, S. Fitzpatrick, K. Regier, S. Stewart Peregoy, G. Vance, L. Jones, G. Hertz, D. Lenz, W. Galt, S. Berglee, F. Garner, J. Hinkle, K. Kelker, M. Noland, V. Ricci, S. Hinebauch, D. Fern, B. Usher, S. Vinton, . Duram, . Knudsen, R. Farris-Olsen, K. Bogner, B. Mercer, D. Bedey, B. Ler, B. Phalen, F. Nave, J. Carlson, K. Zolnikov, A. Regier, E. Hill, J. Schillinger, M. Stromswold, A. Buckley, G. Frazer, D. Tenenbaum, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hoven in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 84 - Senator Ankney moved **SB 84** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 15 - Senator Salomon moved **HB 15** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 45

Nays: Esp, Hinebauch, McGillvray, Smith C, Vance.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 134 - Senator Small moved **SB 134** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 165 - Senator Glimm moved **SB 165** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie,

Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 91 - Senator Vance moved **SB 91** do pass.

SB 91 - Senator Vance moved **SB 91**, second reading copy, be amended as follows:

1. Page 1, line 20.
Following: "~~introduction.~~"
Insert: "Fiscal notes must be requested by the presiding officer of either house, who shall determine the need for the note at the time of introduction."

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Pomnichowski.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 91 - As amended, **SB 91**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 37

Nays: Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 175 - Senator Kary moved **SB 175** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Hoven moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Boland, Flowers, Pomnichowski.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 109 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Esp, Keenan.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 145 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Molnar.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 147 passed as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gauthier, Gross, Hoven, Jacobson, Kary, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber.
Total 28

Nays: Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 149 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 152 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 37

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, McClafferty, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 172 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 52 passed as follows:

Yeas: Ankney, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Bennett, Bogner, Fox, Lynch, Pomnichowski.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 175**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Cohenour moved that **SB 91**, heard on second reading this date, be re-referred to the Finance and Claims Committee. The motion **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Cuffe moved to change his vote on the motion to re-refer **SB 91** from Yes to No. Without objection, so ordered. Vote totals on the re-refer motion reflect the change of vote.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Friday, February 19, 2021, the thirty-fifth legislative day.

Senate adjourned at 2:18 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
THIRTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 19, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Gross excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/19/2021

Correctly printed: **SB 84**, **SB 134**, **SB 165**, **SB 175**, **SB 186**, **SB 196**, **SB 284**, **SB 285**, **SB 286**, **SB 287**, **SB 288**, **SB 289**, **SJ 4**, **SJ 5**, **SR 42**, **SR 44**, **SR 56**, **SR 57**, **SR 71**, **SR 73**, **HB 15**, **HB 180**, **HB 214**.
Examined by the sponsor and found to be correct: **SB 31**, **SB 96**.
Correctly engrossed: **SB 91**, **SB 100**, **SB 162**, **SB 190**, **SB 207**.
Transmitted to the House: **SB 52**, **SB 109**, **SB 145**, **SB 147**, **SB 149**, **SB 152**, **SB 172**.
Signed by the Secretary of the Senate at 3:30 p.m., February 18, 2021: **SB 9**, **SB 67**, **SB 79**, **SB 90**, **SB 97**, **SB 112**, **SR 52**, **SR 53**.
Signed by the Secretary of the Senate at 11:00 a.m., February 19, 2021: **SB 31**, **SB 96**.
Signed by the President at 4:30 p.m., February 18, 2021: **SB 9**, **SR 52**, **SR 53**.
Signed by the President at 4:45 p.m., February 18, 2021: **SB 67**, **SB 79**, **SB 90**, **SB 97**, **SB 112**.
Signed by the President at 11:50 a.m., February 19, 2021: **SB 31**, **SB 96**.
Signed by the Speaker at 11:58 a.m., February 19, 2021: **SB 9**, **SB 67**, **SB 79**, **SB 90**, **SB 97**, **SB 112**.
Signed by the Speaker at 12:30 p.m., February 19, 2021: **SB 31**, **SB 96**.
Delivered to the Secretary of State at 11:52 a.m., February 19, 2021: **SR 52**, **SR 53**.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/18/2021
SB 176, introduced bill, be amended as follows:

1. Page 4, line 12.
Following: "date."
Insert: "(d) State agencies and employees need not sign statements."

2. Page 5, line 25.
Following: "date."
Insert: "(d) State agencies and employees need not sign statements."

3. Page 7, line 27.

Following: "date."
Insert: "(d) State agencies and employees need not sign statements."

4. Page 9, line 21.
Following: "date."
Insert: "(d) State agencies and employees need not sign statements."

5. Page 12, line 23.
Strike: "biannually"
Insert: "biennially"

And, as amended, do pass.

SB 183, do pass.
SB 201, do pass.

FINANCE AND CLAIMS (Osmundson, Chair): 2/18/2021
SB 7, do pass.
SB 51, introduced bill, be amended as follows:

1. Page 4, line 21.
Strike: "INSTALL AND PLACE"
Insert: "reinvest the tax savings from the exemption by installing and placing"

2. Page 4, line 23.
Following: "CONSUMER."
Insert: "The cost of installing or placing into service fiber optic or coaxial cable with the reinvested tax savings without charging those costs to the consumer must be equal to or greater than the value of the tax savings received from the tax incentive."

3. Page 7, line 15.
Strike: "INSTALL AND PLACE"
Insert: "reinvest the tax savings from the exemption by installing and placing"

4. Page 7, line 17.
Following: "CONSUMER."
Insert: "The cost of installing or placing into service fiber optic or coaxial cable with the reinvested tax savings without charging those costs to the consumer must be equal to or greater than the value of the tax savings received from the tax incentive."

5. Page 9, line 20.
Strike: "INSTALLS AND PLACES"
Insert: "reinvests the tax savings from the exemption by installing and placing"

6. Page 9, line 22.

Following: "CONSUMER."
Insert: "The cost of installing or placing into service fiber optic or coaxial cable with the reinvested tax savings without charging those costs to the consumer must be equal to or greater than the value of the tax savings received from the tax incentive."

And, as amended, do pass.

FISH AND GAME (Hinebauch, Chair): 2/19/2021
HB 163, be amended as follows:

1. Page 1, line 11.
Following: "(2)"
Insert: "(a)"

2. Page 1, line 12.
Strike: "from"
Insert: "for"

3. Page 1, line 25.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

4. Page 2.
Following: line 3
Insert: "(b) (i) To be eligible to serve on the commission, the member must reside in the administrative region the member will represent or within 10 air miles of the region's boundary as it exists on the date the member is appointed.
(ii) If the commission adjusts a region's boundary after a member is appointed so that the member no longer meets the requirements of subsection (2)(b)(i), the member may continue to represent the region until the member's current term expires."

And, as amended, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/18/2021
HB 75, be concurred in.
HB 256, be concurred in.

JUDICIARY (Regier, Chair): 2/18/2021
SB 215, introduced bill, be amended as follows:

1. Page 2, line 15.
Following: "is"
Insert: "substantially"

2. Page 2, line 16.
Following: "is"
Insert: "substantially"

3. Page 2, line 21.
Strike: "Burden"
Insert: "Substantially burden"

4. Page 3, line 9.
Following: "not"
Insert: "substantially"

5. Page 3, line 14.
Following: "been"
Insert: "substantially"
Following: "be"
Insert: "substantially"

And, as amended, do pass.

HB 116, be concurred in.

JUDICIARY (Regier, Chair): 2/19/2021
SB 200, do pass.
SB 219, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "CALL"
Insert: "PHONE"

2. Page 1, line 10.
Strike: "**call**"
Insert: "**phone**"

3. Page 1, line 14.
Strike: "call"
Insert: "phone"

4. Page 1, line 28.
Strike: "call"
Insert: "phone"

5. Page 2, line 3.
Strike: "call"
Insert: "phone"

6. Page 2, line 11.
Strike: "call"
Insert: "phone"

And, as amended, do pass.

SB 223, do pass.

NATURAL RESOURCES (Welborn, Chair): 2/17/2021
SB 163, introduced bill, be amended as follows:

1. Title, line 5.
Following: "CONTRACTORS;"
Insert: "REVISING BOARD MEMBERSHIP QUALIFICATIONS;"

2. Page 1, line 15.
Following: "senate"
Insert: ", with preference given to contractors representing different types of water well construction and from diverse geographical areas of the state"

3. Page 1.
Following: line 27
Insert: "(7) A member of the board may not be a close relative to another member of the board.
(8) A member of the board may not be employed by the same firm, corporation, partnership, or other business entity as another member of the board.
(9) For the purposes of this section, "close relative" means a parent, child, sibling, or spouse or a relative of the same degree through marriage."

And, as amended, do pass.

TAXATION (Hoven, Chair): 2/19/2021
SB 154, do pass.
SB 159, do pass.
SB 184, do pass.
SB 193, do pass.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORT

FISH AND GAME (Hinebauch, Chair): 2/18/2021
SR 61, be **not** adopted. Adverse Committee Report adopted as follows::

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

February 18, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, MT 59601

Dear President Blasdel:

On Thursday, February 18, 2021, I signed **Senate Bill 19** -- Regier.

The bill has been delivered to the Secretary of State's Office.

Sincerely,

Greg Gianforte
GOVERNOR

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/18/2021

SB 15, introduced by J. Ellis
SB 17, introduced by J. Gross

SB 54, introduced by J. Ellsworth
SB 74, introduced by D. Salomon
SB 102, introduced by J. Small
SB 110, introduced by R. Osmundson

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

2/18/2021

SB 114, introduced by J. Ellsworth

House bills passed and transmitted to the Senate for concurrence: 2/18/2021

HB 39, introduced by D. Lenz
HB 49, introduced by D. Bedey
HB 67, introduced by L. Jones
HB 139, introduced by T. Welch
HB 146, introduced by B. Mercer
HB 257, introduced by J. Hinkle
HB 295, introduced by M. Caferro
HB 319, introduced by A. Buckley

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 290, introduced by C. Glimm, referred to Judiciary.
SB 291, introduced by C. Pope, referred to Energy and Telecommunications.
SB 292, introduced by C. Pope, referred to Energy and Telecommunications.
SB 293, introduced by C. Pope, referred to Taxation.
SB 294, introduced by J. Esp, referred to Local Government.
SB 295, introduced by B. Gillespie, D. Ankney, K. Bogner, E. Boldman, J. Cohenour, M. Cuffe, J. Ellsworth, C. Glimm, T. Jacobson, D. Kary, T. Manzella, T. McGillvray, S. O'Brien, W. Sales, D. Salomon, M. Sweeney, R. Tempel, J. Welborn, referred to Agriculture, Livestock and Irrigation.
SB 296, introduced by S. Hinebauch, referred to Business, Labor, and Economic Affairs.
SB 297, introduced by J. Ellsworth, referred to Business, Labor, and Economic Affairs.
SB 298, introduced by K. Regier, referred to Education and Cultural Resources.
SB 299, introduced by K. Regier, referred to State Administration.
SB 300, introduced by C. Glimm, referred to Highways and Transportation.
SB 301, introduced by T. Manzella, J. Ellsworth, C. Friedel, C. Glimm, C. Smith, G. Vance, referred to Business, Labor, and Economic Affairs.
SB 302, introduced by W. Sales, referred to Natural Resources.
SB 303, introduced by T. McGillvray, referred to Energy and Telecommunications.

SB 304, introduced by M. Lang, referred to Natural Resources.
SB 305, introduced by M. Lang, referred to Energy and Telecommunications.
SB 308, introduced by J. Welborn, M. Sweeney, K. Walsh, referred to Business, Labor, and Economic Affairs.

The following Senate bills were introduced and read first time:

SB 306, introduced by M. Lang.
SB 307, introduced by M. Lang.
SB 309, introduced by W. Sales.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 12, introduced by C. Pope, referred to Highways and Transportation.
SJ 13, introduced by S. Hinebauch, referred to Business, Labor, and Economic Affairs.
SJ 14, introduced by W. Sales, referred to Public Health, Welfare and Safety.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 81, introduced by J. Welborn, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 39, introduced by D. Lenz (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
HB 49, introduced by D. Bedey (by request of the Legislative Finance Committee), referred to Local Government.
HB 67, introduced by L. Jones (by request of the Legislative Finance Committee), referred to Education and Cultural Resources.
HB 139, introduced by T. Welch, referred to Business, Labor, and Economic Affairs.
HB 146, introduced by B. Mercer, referred to State Administration.
HB 295, introduced by M. Caferro, referred to Public Health, Welfare and Safety.
HB 319, introduced by A. Buckley, G. Custer, referred to State Administration.

The following House bill was introduced and read first time:

HB 257, introduced by J. Hinkle, E. Buttrey, D. Skees, J. Read, J. Esp, D. Howard, C. Smith, G. Vance, M. Blasdel, B. Molnar, C. Glimm, W. Galt, S. Berglee, B. Brown, T. Manzella, S. Hinebauch, S. Gunderson, D. Loge, R. Fitzgerald, F. Anderson, L. Sheldon-Galloway, J. Trebas, D. Bartel, B. Usher, S. Vinton, B. Beard, T. Gauthier, F. Fleming, J. Dooling, K. Bogner, B. Gillespie, B. Ler, B. Phalen, J. Carlson, A. Regier, P. Fielder, S. Galloway, E. Hill, K. Seekins-Crowe, M. Stromswold, J. Gillette, C. Hinkle, M. Binkley, R. Marshall, K. Whitman.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Molnar in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 47 - Majority Leader Smith moved consideration of **SB 47** be passed to a date to be determined. Without objection so ordered.

SR 69 - Senator Hoven moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SB 69**. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Vance, Webber.
Total 19

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 143 - Senator Salomon moved **HB 143** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Esp.
Total 1

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 205 - Senator Hoven moved **SB 205** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 131 - Senator Salomon moved **SB 131** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 173 - Senator Howard moved **SB 173** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Keenan, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 185 - Senator Howard moved **SB 185** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 157 - Senator Hinebauch moved **SB 157** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel,

Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 193 - Senator Ellsworth moved **HB 193** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Regier K, Sales, Salomon, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 36

Nays: Boland, Cohenour, Ellis, Esp, Hoven, Howard, Keenan, McGillvray, O'Brien, Pope, Sands, Smith C, Tempel.
Total 13

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 103 - Senator Small moved **HB 103** be concurred in.

HB 103 - Senator Gauthier moved **HB 103**, second reading copy, be amended as follows:
1. Page 3, line 18.
Following: the first "mail,"
Insert: "by electronic voting,"

2. Page 3, line 18.
Strike: "both"
Insert: "by any combination of the three"

3. Page 3, line 18.
Following: "proxy"
Insert: ","
Strike: "or"

4. Page 3, line 18.
Following: the second "mail,"
Insert: "or by electronic voting,"

5. Page 3, line 19.
Following: "proxy"
Insert: ","
Strike: "or"

6. Page 3, line 19.
Following: "mail"
Insert: ", or electronic"

7. Page 3, line 19.
Strike: "both"
Insert: "any combination of the three"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 103 - As amended, **HB 103** was concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 85 - Senator Cuffe moved **HB 85** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 94 - Senator Salomon moved **HB 94** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 142 - Senator Salomon moved **HB 142** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Howard, McGillvray.
Total 2

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Molnar moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Boland, Cohenour, Sands.

Total 3

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 84 passed as follows:

Yeas: Ankney, Bennett, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Boland, Boldman, Cohenour, Ellis, Flowers, Jacobson, Lynch, McClafferty, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 14

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 134 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 165 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 15 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 43

Nays: Esp, Hinebauch, Keenan, McGillvray, Smith C, Vance.
Total 6

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **HB 143**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 91**, heard on second reading the previous legislative day, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 137** be taken from the second reading board and re-referred to the Business, Labor and Economic Affairs Committee. Without objection, so ordered.

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 241** Without objection, so ordered.

SB 241 (J. Pomnichowski, Chief Sponsor)
Senators B. Bennett, C. Boland, J. Cohenour, P. Flowers, J. Gross, E. McClafferty, and C. Pope.

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 8 a.m., Saturday, February 20, 2021, the thirty-sixth legislative day. Motion carried.

Senate adjourned at 2:20 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
THIRTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 20, 2021 — State Capitol

Senate convened at 8:00 a.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Esp excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/20/2021
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-sixth through the thirtieth legislative days, find the same to be correct.

Correctly printed: **SB 7**, **SB 131**, **SB 137**, **SB 154**, **SB 157**, **SB 159**, **SB 173**, **SB 183**, **SB 185**, **SB 193**, **SB 200**, **SB 201**, **SB 205**, **SB 223**, **SB 290**, **SB 291**, **SB 292**, **SB 293**, **SB 294**, **SB 295**, **SB 296**, **SB 297**, **SB 298**, **SB 299**, **SB 300**, **SB 301**, **SB 302**, **SB 303**, **SB 304**, **SB 305**, **SB 306**, **SB 307**, **SB 308**, **SB 309**, **SJ 12**, **SJ 13**, **SJ 14**, **SR 69**, **SR 81**, **HB 75**, **HB 85**, **HB 94**, **HB 116**, **HB 142**, **HB 143**, **HB 193**, **HB 256**.
Correctly engrossed: **SB 51**, **SB 163**, **SB 176**, **SB 215**, **SB 219**, **HB 103**, **HB 163**.
Examined by the sponsor and found to be correct: **SB 14**.
Transmitted to the House: **SB 84**, **SB 134**, **SB 165**, **HB 15**.
Signed by the Secretary of the Senate at 9:15 a.m., February 20, 2021: **SB 14**.
Signed by the President at 9:15 a.m., February 20, 2021: **SB 14**.

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Gauthier, Chair): 2/19/2021
SB 174, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "AND AN APPLICABILITY PROVISION"

2. Page 2, line 1.
Following: "to the"
Insert: "primary"

3. Page 2, line 2.
Following: "76-3-608(3)"
Strike: "(a)"
Insert: "that forms the basis for the condition"

4. Page 2, line 5 through line 10.

Strike: subsection (3) in its entirety
Renumber: subsequent subsections

5. Page 2, line 12.
Following: "documents"
Insert: "of the subdivision,"
Following: "documents or"
Insert: "of"
Following: "amendments"
Insert: "to the governing documents,"

6. Page 2.
Following: line 13
Insert: "(4) Anything that is not specifically prohibited in the conditions of subdivision approval is specifically allowed or is otherwise subject to additional restrictions that may be provided in the governing documents of the subdivision and applicable zoning regulations."

7. Page 6, line 24.
Strike: "active agricultural production"
Insert: "agriculture, agricultural water user facilities"

8. Page 8, line 18 through line 21
Strike: section 5 in its entirety

And, as amended, do pass.

SB 211, introduced bill, be amended as follows:

1. Page 1, line 24 through line 25.
Strike: "excluding" on line 24 through "soils" on line 25

2. Page 1, line 26.
Following: "safety"
Insert: ", excluding any consideration of whether the proposed subdivision will result in a loss of agricultural soils "

And, as amended, do pass.

SB 231, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "WATER RIGHT EXEMPTION FOR"

2. Title, line 10.

Following: "SECTIONS"
Insert: "76-3-105 AND"
Following: "76-3-207"
Strike: "AND 85-2-306"

3. Title, line 11.
Following: the first "DATE"
Strike: "AND A RETROACTIVE APPLICABILITY DATE"

4. Page 1.
Following: line 14
Insert: "**Section 1.** Section 76-3-105, MCA, is amended to read:
"**76-3-105. Violations.** ~~Any~~ Except as provided in 76-3-207, any person who violates any provision of this chapter or any local regulations adopted pursuant thereto shall be guilty of a misdemeanor and punishable by a fine of not less than $100 or more than $500 or by imprisonment in a county jail for not more than 3 months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto shall be deemed a separate and distinct offense." "
Renumber: subsequent sections

5. Page 2, line 11.
Following: "(2)"
Insert: "(a)"

6. Page 2, line 11.
Strike: ":"
Insert: ","

7. Page 2, line 12.
Strike: "(a)" on line 12

8. Page 2, line 15.
Strike: ";"
Insert: "."

9. Page 2, line 16 through line 18.
Following: "(b)" on line 16
Strike: "as provided" on line 16 through "(c) a" on line 18
Insert: "A"

10. Page 2, line 18.
Following: "(1)(b)"
Insert: "that is also located in an applicable zoning district with size limitations larger than 5 acres per parcel for residential use"

11. Page 2, line 18 through line 21.
Following: "is" on line 18
Strike: ":" on line 18 through "(ii)" on line 21

12. Page 2, line 21 through line 22
Following: "allowed"
Insert: "if:
(i) the parcel to be divided is not less than 10 acres; and
(ii) the family transfer parcel created by the division is a minimum of 5 acres in size"
Strike: "to be" on line 21 through "district" on line 22

13. Page 3, line 8.
Strike: "A person"
Insert: "An immediate family member"

14. Page 3, line 12.
Strike: "A person who knowingly attempts"
Insert: "If a governing body can prove by documented evidence in a court of competent jurisdiction that a person has knowingly attempted"

15. Page 3, line 13.
Following: "(1)(b)"
Insert: ", that person"

16. Page 3, line 16 through page 6, line 27.
Strike: section 2 in its entirety
Renumber: subsequent sections

17. Page 7, line 3 through line 4.
Strike: section 4 in its entirety

And, as amended, do pass.

STATE ADMINISTRATION (Kary, Chair): 2/19/2021
SB 222, do pass.
HB 159, be concurred in.

TAXATION (Hoven, Chair): 2/19/2021
SB 182, introduced bill, be amended as follows:

1. Title, line 8.
Following: "130,"
Insert: "17-7-140,"

2. Title, line 8 through line 9.
Following: "PROVIDING" on line 8
Strike: "AN EFFECTIVE" on line 8 through "DATE" on line 9
Insert: "EFFECTIVE DATES, APPLICABILITY DATES, AND TERMINATION DATES"

3. Page 1, line 15.
Following: "10-3-312"
Insert: ","
Strike: "and"

4. Page 1, line 15.
Following: "17-7-130"
Insert: ", 76-13-150,"

5. Page 1, line 21.
Strike: "All"
Insert: "The state treasurer shall transfer all"

6. Page 1, line 21.
Following: "account"
Strike: "are transferred"

7. Page 1, line 21 through line 22.
Following: "fund" on line 21
Strike: remainder of line 21 through line 22 in their entirety
Insert: "by September 15 of every even-numbered year. Transfers to the general fund made pursuant to this section may not be included:
(a) in the certified calculation of the amount of unaudited general fund revenue and transfers into the general fund made pursuant to 17-7-130(3); or
(b) in the calculation of any terms defined in 17-7-130(6)."

8. Page 2, line 21.
Strike: "half"
Insert: "75% of"

9. Page 2, line 22.
Following: "[section 1]."
Insert: "The remaining 25% must remain in the general fund."

10. Page 3, line 12.
Following: "the"
Insert: "certification and"

11. Page 3, line 16.
Following: "(b)"
Insert: "the amount of"

Following: "76-13-150"
Insert: "as certified in 17-7-130(3) plus the amount of transfers made pursuant to 10-3-312 and 76-13-150 into the fire suppression account"

12. Page 3, line 18 through line 21.
Strike: subsection (c) in its entirety
Renumber: subsequent subsections

13. Page 3.
Following: line 28
Insert: "(i) at least $10 million and less than $20 million, the rate is reduced by 0.025%;"
Renumber: subsequent subsections

14. Page 4, line 1.
Strike: "$40"
Insert: "$30"

15. Page 4.
Following: line 1
Insert: "(iii) at least $30 million and less than $40 million, the rate is reduced by 0.075%;"
Renumber: subsequent subsections

16. Page 4, line 2.
Strike: "$60"
Insert: "$50"

17. Page 4.
Following: line 2
Insert: "(v) at least $50 million and less than $60 million, the rate is reduced by 0.125%;
(vi) at least $60 million and less than $70 million, the rate is reduced by 0.15%;"
Renumber: subsequent subsections

18. Page 4, line 3.
Strike: "$60"
Insert: "$70"

19. Page 4, line 3.
Strike: "0.15%;"
Insert: "0.175%;"

20. Page 4, line 4.
Strike: "$100"
Insert: "$90"

21. Page 4.
Following: line 4

Insert: "(ix) at least $90 million and less than $100 million, the rate is reduced by 0.225%;"
Renumber: subsequent subsections

22. Page 4, line 5.
Following: the first "is"
Strike: "rate is"

23.Page 4, line 10.
Following: "met"
Insert: "in a subsequent even-numbered calendar year"

24. Page 4, line 11 through line 13.
Strike: subsection (5) in its entirety
Renumber: subsequent subsections

25. Page 4, line 18.
Following: "withholding"
Insert: "tables"

26. Page 4.
Following: line 20
Insert: "**Section 4.** Section 15-30-2103, MCA, is amended to read:
"**15-30-2103. Rate of tax.** (1) There must be levied, collected, and paid for each tax year upon the taxable income of each taxpayer subject to this tax, after making allowance for exemptions and deductions as provided in this chapter, a tax on the brackets of taxable income as follows:
(a) on the first $2,900 of taxable income or any part of that income, 1%;
(b) on the next $2,200 of taxable income or any part of that income, 2%;
(c) on the next $2,700 of taxable income or any part of that income, 3%;
(d) on the next $2,700 of taxable income or any part of that income, 4%;
(e) on the next $3,000 of taxable income or any part of that income, 5%;
(f) on the next $3,900 of taxable income or any part of that income, 6%;
(g) on any taxable income in excess of $17,400 or any part of that income, ~~6.9%.~~ the same rate as was in effect on December 31, 2025.
(2) By November 1 of each year, the department shall multiply the bracket amount contained in subsection (1) by the inflation factor for the following tax year and round the cumulative brackets to the nearest $100. The resulting adjusted brackets are effective for that following tax year and must be used as the basis for imposition of the tax in subsection (1) of this section." "
Renumber: subsequent sections

27. Page 5, line 5.
Strike: "prior"
Insert: "most recently completed"

28. Page 5, line 6.
Strike: "prior"
Insert: "most recently completed"

29. Page 5, line 9.
Strike: "prior"
Insert: "most recently completed"

30. Page 5, line 19.
Strike: "By"
Insert: "Except as provided in subsection (5), by"

31. Page 5, line 21.
Strike: "excess revenue"
Insert: "amount of actual general fund revenue"

32. Page 5, line 21.
Following: the second "the"
Insert: "most recently completed"

33. Page 5, line 21.
Strike: "as defined in subsection (6)"
Insert: "that exceeds the revenue estimate established pursuant to 5-5-227 adjusted for legislation for that fiscal year as reflected in Volume 2 of the Legislative Fiscal Report authored by the legislative fiscal division for that biennium"

34. Page 5, line 22.
Following: "(5)"
Insert: "(a)"
Strike: "After"
Insert: "If"

35. Page 5, line 22.
Strike: "is made pursuant to"
Insert: "provided for in"

36. Page 5, line 22.
Following: "(4)"
Strike: ","

37. Page 5, line 22.
Strike: "if"
Insert: "would cause"

38. Page 5, line 22.
Strike: "exceeds"

Insert: "to exceed"

39. Page 5, line 24.
Following: "then"
Insert: "the state treasurer shall transfer from the general fund to the fund that portion required to bring the balance of the fund to an amount equal to 4.5% of all general fund appropriations in the second year of the biennium and the remainder of the transfer must be distributed as follows:
(i)"

40. Page 5, line 24.
Strike: "any"
Insert: "50% of the remaining"

41. Page 5, line 24.
Following: "funds"
Strike: "in excess of that amount"

42. Page 5, line 24 through line 25.
Strike: "of" on line 24 through "follows:" on line 25
Insert: "to the account established in 17-7-209; and
(ii) except as provided in subsection (5)(b), 50% of the remaining funds must remain in the general fund.
(b) (i) The remaining amount in subsection (5)(a)(ii) must be transferred to the tax reduction fund provided for in [section 1] if the budget director determines:
(A) adjusted compound annual growth rate revenue exceeds adjusted consumer price index-inflation revenue; and
(B) actual revenue for the most recently completed fiscal year exceeds adjusted compound annual growth rate revenue.
(ii) The budget director shall use the rates provided by the state's contracted econometric analysis and data provider in making the determination in this subsection (5)."

43. Page 5, line 26 through line 27.
Strike: subsections (a) and (b) in their entirety

44. Page 6, line 1.
Following: ""Adjusted"
Insert: "compound annual growth rate"
Following: "the"
Insert: "fiscal year prior to the"

45. Page 6.
Following: line 2
Insert: "(b) "Adjusted consumer price index-inflation revenue" means general fund revenue for the fiscal year prior to the most recently completed fiscal year multiplied by the ratio of current year population for the most recently completed quarter to previous year

population for the same quarter multiplied by the ratio of the current consumer price index for the most recently completed quarter to the previous year consumer price index for the same quarter."

46. Page 6, line 3 through line 4.
Strike: subsection (b) in its entirety

47. Page 6, line 5.
Following: the first "the"
Insert: "fiscal year prior to the most recently completed"
Strike: "prior"

48. Page 6, line 7 through line 8.
Strike: "means" on line 7 through "years." on line 8
Insert: "means the annual compound growth rate of general fund revenue realized over the period 6 years prior to the most recently completed fiscal year, including the most recently completed fiscal year."

49. Page 6.
Following: line 9
Insert: "**Section 6.** Section 17-7-140, MCA, is amended to read:
"**17-7-140. Reduction in spending.** (1) (a) As the chief budget officer of the state, the governor shall ensure that the expenditure of appropriations does not exceed available revenue. Except as provided in subsection (2), in the event of a projected general fund budget deficit, the governor, taking into account the criteria provided in subsection (1)(c), shall direct agencies to reduce spending in an amount that ensures that the projected ending general fund balance for the biennium will be at least:
(i) 4% of the general fund appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;
(ii) 3% of the general fund appropriations for the second fiscal year of the biennium in October of the year preceding a legislative session;
(iii) 2% of the general fund appropriations for the second fiscal year of the biennium in January of the year in which a legislative session is convened; and
(iv) 1% of the general fund appropriations for the second fiscal year of the biennium in March of the year in which a legislative session is convened.
(b) An agency may not be required to reduce general fund spending for any program, as defined in each general appropriations act, by more than 10% during a biennium. Starting January 1, 2021, a governor may not reduce total agency spending in the biennium by more than 4% of the second year appropriations for the agency. Departments or agencies headed by elected officials or the board of regents may not be required to reduce general fund spending by a percentage greater than the percentage of general fund spending reductions required for the weighted average of all other executive branch agencies. The legislature may exempt from a reduction an appropriation item within a program or may direct that the appropriation item may not be reduced by more than 10%.

(c) The governor shall direct agencies to manage their budgets in order to reduce general fund expenditures. Prior to directing agencies to reduce spending as provided in subsection (1)(a), the governor shall direct each agency to analyze the nature of each program that receives a general fund appropriation to determine whether the program is mandatory or permissive and to analyze the impact of the proposed reduction in spending on the purpose of the program. An agency shall submit its analysis to the office of budget and program planning and shall at the same time provide a copy of the analysis to the legislative fiscal analyst. The report must be submitted in an electronic format. The office of budget and program planning shall review each agency's analysis, and the budget director shall submit to the governor a copy of the office of budget and program planning's recommendations for reductions in spending. The budget director shall provide a copy of the recommendations to the legislative fiscal analyst at the time that the recommendations are submitted to the governor and shall provide the legislative fiscal analyst with any proposed changes to the recommendations. The recommendations must be provided in an electronic format. The legislative finance committee shall meet within 20 days of the date that the proposed changes to the recommendations for reductions in spending are provided to the legislative fiscal analyst. The legislative fiscal analyst shall provide a copy of the legislative fiscal analyst's review of the proposed reductions in spending to the budget director at least 5 days before the meeting of the legislative finance committee. The committee may make recommendations concerning the proposed reductions in spending. The governor shall consider each agency's analysis and the recommendations of the office of budget and program planning and the legislative finance committee in determining the agency's reduction in spending. Reductions in spending must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities.

(2) Reductions in spending for the following may not be directed by the governor:

(a) payment of interest and principal on state debt;

(b) the legislative branch;

(c) the judicial branch;

(d) the school BASE funding program, including special education;

(e) salaries of elected officials during their terms of office; ~~and~~

(f) the Montana school for the deaf and blind; and

(g) services for people with disabilities and the aged provided by the divisions within the department of public health and human services for addictive and mental disorders, developmental disabilities, and senior and long-term care.

(3) (a) As used in this section, "projected general fund budget deficit" means an amount, certified by the budget director to the governor, by which the projected ending general fund balance for the biennium is less than:

(i) 4% of the general fund appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;

(ii) 1.875% in October of the year preceding a legislative session;

(iii) 1.25% in January of the year in which a legislative session is convened; and

(iv) 0.625% in March of the year in which a legislative session is convened.

(b) In determining the amount of the projected general fund budget deficit, the budget director shall take into account revenue, established levels of appropriation, anticipated

supplemental appropriations for school equalization aid and the cost of the state's wildland fire suppression activities exceeding the amount statutorily appropriated in 10-3-312, and anticipated reversions.

(4) If the budget director determines that an amount of actual or projected receipts will result in an amount less than the amount projected to be received in the revenue estimate established pursuant to 5-5-227, the budget director shall notify the revenue interim committee of the estimated amount. Within 20 days of notification, the revenue interim committee shall provide the budget director with any recommendations concerning the amount. The budget director shall consider any recommendations of the revenue interim committee prior to certifying a projected general fund budget deficit to the governor.

(5) If the budget director certifies a projected general fund budget deficit, the governor may authorize transfers to the general fund from certain accounts as set forth in subsections (6), (7), and (8).

(6) ~~Before January 1, 2021, the governor may authorize transfers from the budget stabilization reserve fund prior to making reductions in spending. A transfer under this subsection may not cause the fund balance of the budget stabilization reserve fund to be less than 1% of all general fund appropriations in the second year of the biennium.~~ The governor may authorize transfers from the tax reduction fund provided for in [section 1] prior to making reductions in spending.

(7) The governor may authorize transfers from the budget stabilization reserve fund provided for in 17-7-130. The governor may authorize $2 of transfers from the fund for each $1 of reductions in spending.

(8) If the budget director certifies a projected general fund budget deficit, the governor may authorize transfers to the general fund from the fire suppression account established in 76-13-150. The amount of funds available for a transfer from this account is up to the sum of the fund balance of the account, plus expected current year revenue, minus the sum of 1% of the general fund appropriations for the second fiscal year of the biennium, plus estimated expenditures from the account for the fiscal year. The governor may authorize $1 of transfers from the fire suppression account established in 76-13-150 for each $1 of reductions in spending." "

Insert: "**Section 7.** Section 17-7-140, MCA, is amended to read:

"**17-7-140. Reduction in spending.** (1) (a) As the chief budget officer of the state, the governor shall ensure that the expenditure of appropriations does not exceed available revenue. Except as provided in subsection (2), in the event of a projected general fund budget deficit, the governor, taking into account the criteria provided in subsection (1)(c), shall direct agencies to reduce spending in an amount that ensures that the projected ending general fund balance for the biennium will be at least:

(i) 4% of the general fund appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;

(ii) 3% of the general fund appropriations for the second fiscal year of the biennium in October of the year preceding a legislative session;

(iii) 2% of the general fund appropriations for the second fiscal year of the biennium in January of the year in which a legislative session is convened; and

(iv) 1% of the general fund appropriations for the second fiscal year of the biennium in March of the year in which a legislative session is convened.

(b) An agency may not be required to reduce general fund spending for any program, as defined in each general appropriations act, by more than 10% during a biennium. Starting January 1, 2021, a governor may not reduce total agency spending in the biennium by more than 4% of the second year appropriations for the agency. Departments or agencies headed by elected officials or the board of regents may not be required to reduce general fund spending by a percentage greater than the percentage of general fund spending reductions required for the weighted average of all other executive branch agencies. The legislature may exempt from a reduction an appropriation item within a program or may direct that the appropriation item may not be reduced by more than 10%.

(c) The governor shall direct agencies to manage their budgets in order to reduce general fund expenditures. Prior to directing agencies to reduce spending as provided in subsection (1)(a), the governor shall direct each agency to analyze the nature of each program that receives a general fund appropriation to determine whether the program is mandatory or permissive and to analyze the impact of the proposed reduction in spending on the purpose of the program. An agency shall submit its analysis to the office of budget and program planning and shall at the same time provide a copy of the analysis to the legislative fiscal analyst. The report must be submitted in an electronic format. The office of budget and program planning shall review each agency's analysis, and the budget director shall submit to the governor a copy of the office of budget and program planning's recommendations for reductions in spending. The budget director shall provide a copy of the recommendations to the legislative fiscal analyst at the time that the recommendations are submitted to the governor and shall provide the legislative fiscal analyst with any proposed changes to the recommendations. The recommendations must be provided in an electronic format. The legislative finance committee shall meet within 20 days of the date that the proposed changes to the recommendations for reductions in spending are provided to the legislative fiscal analyst. The legislative fiscal analyst shall provide a copy of the legislative fiscal analyst's review of the proposed reductions in spending to the budget director at least 5 days before the meeting of the legislative finance committee. The committee may make recommendations concerning the proposed reductions in spending. The governor shall consider each agency's analysis and the recommendations of the office of budget and program planning and the legislative finance committee in determining the agency's reduction in spending. Reductions in spending must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities.

(2) Reductions in spending for the following may not be directed by the governor:

(a) payment of interest and principal on state debt;

(b) the legislative branch;

(c) the judicial branch;

(d) the school BASE funding program, including special education;

(e) salaries of elected officials during their terms of office; ~~and~~

(f) the Montana school for the deaf and blind; and

(g) services for people with disabilities and the aged provided by the divisions within the department of public health and human services for addictive and mental disorders, developmental disabilities, and senior and long-term care.

(3) (a) As used in this section, "projected general fund budget deficit" means an amount, certified by the budget director to the governor, by which the projected ending general fund balance for the biennium is less than:
(i) 4% of the general fund appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;
(ii) 1.875% in October of the year preceding a legislative session;
(iii) 1.25% in January of the year in which a legislative session is convened; and
(iv) 0.625% in March of the year in which a legislative session is convened.
(b) In determining the amount of the projected general fund budget deficit, the budget director shall take into account revenue, established levels of appropriation, anticipated supplemental appropriations for school equalization aid and the cost of the state's wildland fire suppression activities exceeding the amount statutorily appropriated in 10-3-312, and anticipated reversions.
(4) If the budget director determines that an amount of actual or projected receipts will result in an amount less than the amount projected to be received in the revenue estimate established pursuant to 5-5-227, the budget director shall notify the revenue interim committee of the estimated amount. Within 20 days of notification, the revenue interim committee shall provide the budget director with any recommendations concerning the amount. The budget director shall consider any recommendations of the revenue interim committee prior to certifying a projected general fund budget deficit to the governor.
(5) If the budget director certifies a projected general fund budget deficit, the governor may authorize transfers to the general fund from certain accounts as set forth in subsections (6)~~,~~ <u>and</u> (7)~~, and (8)~~.
~~(6) Before January 1, 2021, the governor may authorize transfers from the budget stabilization reserve fund prior to making reductions in spending. A transfer under this subsection may not cause the fund balance of the budget stabilization reserve fund to be less than 1% of all general fund appropriations in the second year of the biennium.~~
~~(7)~~ <u>(6)</u> The governor may authorize transfers from the budget stabilization reserve fund provided for in 17-7-130. The governor may authorize $2 of transfers from the fund for each $1 of reductions in spending.
~~(8)~~ <u>(7)</u> If the ~~budget director certifies a projected general fund budget deficit~~ <u>budget stabilization reserve fund provided for in 17-7-130 is full expended and the governor determines more spending reductions are needed to address the projected general fund budget deficit</u>, the governor may authorize transfers to the general fund from the fire suppression account established in 76-13-150. The amount of funds available for a transfer from this account is up to the sum of the fund balance of the account, plus expected current year revenue, minus the sum of 1% of the general fund appropriations for the second fiscal year of the biennium, plus estimated expenditures from the account for the fiscal year. The governor may authorize $1 of transfers from the fire suppression account established in 76-13-150 for each $1 of reductions in spending.""
Renumber: subsequent sections

50. Page 7, line 10.
Strike: "<u>half</u>"
Insert: "75% of"

51. Page 7, line 11.
Following: "[section 1]."
Insert: "The remaining 25% must remain in the state general fund."

52. Page 7, line 26.
Following: "subsection"
Insert: "s"
Following: "(2)"
Insert: "through (4)"

53. Page 7, line 28.
Strike: "4"
Insert: "5"

54. Page 7, line 28.
Following: "approval."
Insert: "(3) [Section 7] is effective January 1, 2025.
(4) [Section 4] is effective January 1, 2026."

55. Page 8, line 2.
Following: "**Applicability.**"
Insert: "(1)"

56. Page 8, line 2.
Strike: "5"
Insert: "8"

57. Page 8, line 3.
Following: "2021."
Insert: "(2) [Section 3] applies to tax years prior to 2026.
(3) [Section 4] applies to tax year 2026 and subsequent tax years."

58. Page 8, line 5.
Following: "**Termination.**"
Insert: "(1) [Sections 1, 2, 5, 6, and 8] terminate "
Strike: "[This act] terminates"
Following: "2025."
Insert: "(2) [Section 3] terminates December 31, 2025."

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/19/2021

HB 207, introduced by N. Duram
HB 218, introduced by M. Hopkins
HB 276, introduced by M. Caferro
HB 303, introduced by J. Kassmier
HB 325, introduced by B. Usher
HB 365, introduced by J. Trebas
HB 383, introduced by B. Usher

HB 322, introduced by J. Patelis, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

2/19/2021

Yeas - 77
Nays - 22

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 310, introduced by R. Osmundson, referred to State Administration.
SB 311, introduced by S. O'Brien, A. Buckley, referred to Public Health, Welfare and Safety.
SB 312, introduced by D. Sands, referred to Public Health, Welfare and Safety.
SB 313, introduced by C. Pope, referred to Taxation.
SB 314, introduced by B. Brown, D. Ankney, M. Blasdel, C. Glimm, S. Hinebauch, T. McGillvray, R. Osmundson, C. Smith, G. Vance, referred to Fish and Game.
SB 315, introduced by D. Howard, referred to Public Health, Welfare and Safety.
SB 316, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 317, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 318, introduced by T. Manzella, referred to Judiciary.
SB 319, introduced by G. Hertz, referred to State Administration.
SB 320, introduced by E. Boldman, M. Blasdel, E. Buttrey, referred to Business, Labor, and Economic Affairs.
SB 321, introduced by E. Boldman, referred to Public Health, Welfare and Safety.
SB 322, introduced by K. Bogner, referred to Business, Labor, and Economic Affairs.
SB 323, introduced by C. Friedel, S. Berglee, M. Blasdel, K. Bogner, L. Brewster, B. Brown, J. Ellsworth, S. Fitzpatrick, W. Galt, C. Glimm, S. Gunderson, G. Hertz, S. Hinebauch, C. Hinkle, J. Hinkle, D. Howard, B. Keenan, C. Knudsen, M. Lang, T. Manzella, R. Marshall, T. McGillvray, A. Regier, K. Regier, J. Schillinger, K. Seekins-Crowe, D. Skees, J. Small, C. Smith, M. Stromswold, R. Tempel, J. Trebas, B. Usher, G. Vance, referred to Business, Labor, and Economic Affairs.
SB 324, introduced by M. Cuffe, C. Glimm, S. Gunderson, referred to Natural Resources.

SB 325, introduced by B. Hoven, referred to Energy and Telecommunications.

The following Senate bills, previously introduced, were referred to committees:

SB 306, introduced by M. Lang, referred to Fish and Game.
SB 307, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.
SB 309, introduced by W. Sales, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 207, introduced by . Duram, M. Cuffe, D. Skees, J. Windy Boy, S. Stewart Peregoy, D. Lenz, W. Galt, M. Funk, F. Garner, J. Hinkle, W. McKamey, M. Noland, V. Ricci, B. Tschida, S. Gunderson, D. Fern, M. Regier, D. Loge, R. Fitzgerald, F. Anderson, L. Sheldon-Galloway, J. Patelis, S. Vinton, T. Welch, F. Fleming, J. Fuller, . Harvey, E. Kerr-Carpenter, M. Weatherwax, J. Kassmier, T. Moore, B. Putnam, B. Phalen, K. Zolnikov, B. Mitchell, A. Regier, L. Reksten, S. Kerns, S. Galloway, S. Gist, E. Hill, K. Seekins-Crowe, M. Malone, M. Bertoglio, S. Novak, G. Frazer, M. Binkley, referred to Highways and Transportation.
HB 218, introduced by M. Hopkins, D. Skees, J. Read, L. Jones, G. Hertz, W. Galt, F. Garner, J. Hinkle, K. Holmlund, V. Ricci, B. Tschida, S. Gunderson, M. Regier, R. Fitzgerald, F. Anderson, J. Trebas, C. Knudsen, B. Usher, J. Patelis, S. Vinton, B. Beard, F. Fleming, J. Fuller, . Knudsen, J. Dooling, J. Kassmier, T. Moore, D. Bedey, S. Greef, B. Ler, B. Mitchell, P. Fielder, S. Gist, K. Seekins-Crowe, M. Stromswold, C. Hinkle, K. Walsh, G. Frazer, M. Binkley, R. Marshall, T. France, K. Whitman, referred to Judiciary.
HB 276, introduced by M. Caferro, referred to Public Health, Welfare and Safety.
HB 303, introduced by J. Kassmier, C. Knudsen, referred to Taxation.
HB 322, introduced by J. Patelis, referred to State Administration.
HB 325, introduced by B. Usher, D. Skees, J. Read, K. Regier, C. Smith, M. Blasdel, G. Hertz, D. Lenz, W. Galt, S. Berglee, B. Brown, J. Hinkle, K. Holmlund, W. McKamey, M. Noland, B. Tschida, S. Gunderson, D. Loge, R. Fitzgerald, L. Sheldon-Galloway, J. Trebas, D. Bartel, C. Knudsen, S. Vinton, T. Welch, B. Beard, M. Hopkins, J. Fuller, . Knudsen, J. Dooling, J. Kassmier, D. Bedey, S. Greef, B. Ler, B. Phalen, J. Carlson, L. Brewster, K. Zolnikov, A. Regier, K. Seekins-Crowe, M. Stromswold, M. Malone, J. Gillette, C. Hinkle, K. Walsh, M. Binkley, K. Whitman, referred to Judiciary.
HB 365, introduced by J. Trebas, C. Glimm, J. Hinkle, J. Kassmier, K. Zolnikov, G. Frazer, referred to Highways and Transportation.
HB 383, introduced by B. Usher, F. Smith, D. Skees, J. Read, S. Fitzpatrick, D. Kary, C. Smith, G. Vance, D. Lenz, F. Garner, B. Tschida, J. Trebas, C. Knudsen, S. Vinton, J. Ellsworth, . Knudsen, . Harvey, B. Ler, B. Phalen, A. Regier, P. Fielder, S. Kerns, M. Stromswold, C. Hinkle, M. Bertoglio, D. Hawk, M. Binkley, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for

consideration of business on second reading. Motion carried. Senator Kary in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 63 - Senator Lang moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 63**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SB 190 - Majority Leader Smith moved consideration of **SB 190** be passed for the day. Without objection, so ordered.

SR 65 - Senator Lang moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 65**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Esp.

Total 1

Absent or not voting: None.
Total 0

SR 66 - Senator Lang moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 66**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SR 68 - Senator Lang moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 68**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.

Total 0

SR 70 - Senator Lang moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 70**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SR 42 - Senator Salomon moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 42**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SR 44 - Senator Salomon moved the nomination transmitted by the Governor be concurred in

and confirmed by the Senate in accordance with **SR 44**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SR 73 - Senator Salomon moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 73**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SR 56 - Senator Howard moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 56**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SR 71 - Senator Howard moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 71**. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 44

Nays: Bennett, Gross, McClafferty, Sands, Webber.
Total 5

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SB 207 - Senator Pomnichowski moved **SB 207** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 38

Nays: Cuffe, Ellsworth, Friedel, Hinebauch, Howard, Lang, McGillvray, Molnar, Regier K, Smith C, Tempel.
Total 11

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SB 136 - Senator Fitzpatrick moved **SB 136** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Gross, McClafferty, Pomnichowski, Pope.
Total 4

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SB 60 - Senator Flowers moved **SB 60** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Sands, Small, Sweeney, Webber, Welborn.
Total 39

Nays: Ellsworth, Glimm, Hoven, Keenan, Molnar, Salomon, Smith C, Tempel, Vance, Mr. President.
Total 10

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SJ 4 - Senator Ellis moved **SJ 4** do pass. Motion **failed** as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Jacobson, Kary, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 24

Nays: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 25

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SJ 4 - Majority Leader Smith moved **SJ 4** be indefinitely postponed. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SJ 5 - Senator Webber moved **SJ 5** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 41

Nays: Glimm, Hinebauch, Howard, Keenan, Lang, Regier K, Salomon, Tempel.
Total 8

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Kary moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

The following bills having been read three several times, title and history agreed to, were

disposed of in the following manner:

SB 131 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SB 157 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 17

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SB 173 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm,

Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SB 185 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SB 205 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 85 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 94 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Hinebauch, McGillvray.
Total 2

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 142 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Howard, McGillvray, Smith C.
Total 3

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 193 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Morigeau, Osmundson, Pomnichowski, Regier K, Sales, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 34

Nays: Boland, Cohenour, Cuffe, Ellis, Hoven, Howard, Keenan, McGillvray, Molnar, O'Brien, Pope, Salomon, Sands, Smith C, Tempel.
Total 15

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Senator Cohenour moved to indefinitely postpone **SB 7**. Motion **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 20

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 29

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Monday, February 22, 2021, the thirty-seventh legislative day. Motion carried.

Senate adjourned at 9:14 a.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
THIRTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 22, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/22/2021

Correctly printed: **SB 60**, **SB 136**, **SB 184**, **SB 207**, **SB 222**, **SB 310**, **SB 311**, **SB 312**, **SB 313**, **SB 314**, **SB 315**, **SB 316**, **SB 317**, **SB 318**, **SB 319**, **SB 320**, **SB 321**, **SB 322**, **SB 323**, **SB 324**, **SB 325**, **SJ 5**, **SR 42**, **SR 44**, **SR 56**, **SR 63**, **SR 65**, **SR 66**, **SR 68**, **SR 70**, **SR 71**, **SR 73**, **HB 159**.
Correctly engrossed: **SB 174**, **SB 211**, **SB 231**.
Correctly enrolled: **SR 48**, **SR 58**, **SR 60**.
Examined by the sponsor and found to be correct: **SB 50**.
Transmitted to the House: **SB 131**, **SB 157**, **SB 173**, **SB 185**, **SB 205**, **HB 85**, **HB 94**, **HB 142**, **HB 193**.
Signed by the Speaker at 9:30 a.m., February 22, 2021: **SB 14**.
Delivered to the Governor for information, February 22, 2021: **SR 52**, **SR 53**.
Delivered to the Governor for signature at 9:52 a.m., February 22, 2021: **SB 9**, **SB 14**, **SB 31**, **SB 67**, **SB 79**, **SB 90**, **SB 96**, **SB 97**, **SB 112**.

Senator Vance arose and wished Marilyn Miller, Secretary of the Senate, a Happy Birthday on behalf of all members of the Senate.

President Blasdel thanked Mike Allen for his service with the Legislative Services Division and expressed the good wishes of the Senate on his retirement.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/22/2021
SB 216, introduced bill, be amended as follows:

1. Title, line 5 through line 6.
Strike: "REQUIRING" on line 5 through "CRITERIA;" on line 6

2. Title, line 8 through line 9.
Strike: "AN" on line 8 through "IMMEDIATE" on line 9

Insert: "A CONTINGENT"

3. Page 1, line 15.
Strike: "an annual"
Insert: "a"

4. Page 1, line 15.
Following: "April 1"
Insert: "of the year following [the effective date of this act], and upon request of the commissioner for each year thereafter,"

5. Page 1, line 15 through page 2, line 22.
Following: "that" on line 15
Strike: "contains" on line 15 through "information:" on line 16
Insert: "complies with the mental health and substance use disorder parity analysis requirements of 42 U.S.C. 300gg-26(a)(8)."

6. Page 1, line 17 through page 2, line 22.
Following: subsections (1) through (3) in their entirety

7. Page 2.
Following: line 26
Insert: "(2) "Mental health benefits" means benefits with respect to items or services for mental health conditions, as defined under the terms of the plan or health insurance coverage and in accordance with applicable federal and state law. Any condition defined by the plan or coverage as being or as not being a mental health condition must be defined to be consistent with generally recognized independent standards of current medical practice, including but not limited to the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders."
Renumber: subsequent subsections

8. Page 3, line 24 through line 25.
Strike: subsection (6) in its entirety
Renumber: subsequent subsections

9. Page 4.
Following: line 11
Insert: "(9) "Substance use disorder benefits" means benefits with respect to items or services for substance use disorders, as defined under the terms of the plan or health insurance coverage and in accordance with applicable federal and state law. Any disorder defined by the plan as being or as not being a substance use disorder must be defined to be consistent with generally recognized independent standards of current medical practice, including but not limited to the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders."
Renumber: subsequent subsections

10. Page 5, line 13.
Strike: section 5 in its entirety
Insert: "NEW SECTION. **Section 5. Contingent effective date.** [This act] is effective on the date that the commissioner of securities and insurance certifies to the code commissioner that regulations or guidance implementing the mental health and substance use disorder parity analysis requirements of Title II of Division BB of the federal Consolidated Appropriations Act, 2021 (P.L.116-260) is finalized. The commissioner of securities and insurance shall submit certification within 30 days of the occurrence of the contingency."
Renumber: subsequent sections

And, as amended, do pass.

SB 239, do pass.
SB 248, introduced bill, be amended as follows:

1. Page 1, line 18.
Strike: "this section"
Insert: "subsections (3) through (6)"

2. Page 1, line 24.
Following: "(d)"
Insert: "subject to subsection (5)(a),"

3. Page 2.
Following: line 14
Insert: "(5) A postsecondary school may:
(a) include provisions in scholarship agreements allowing the postsecondary school to use the athlete's name, image, and likeness;
(b) prohibit the use of an athlete's name, image, and likeness on school property, at school functions, or in any advertising material distributed or placed on school property;
(c) serve as an agent for the athlete to manage any contract using an athlete's name, image, and likeness; or
(d) do any combination of subsections (5)(a) through (5)(c)."
Renumber: subsequent subsections

4. Page 2, line 21.
Strike: "July"
Insert: "June"

And, as amended, do pass.

HB 177, be amended as follows:

1. Page 7.
Following: line 5
Insert: "COORDINATION SECTION. **Section 5. Coordination instruction.** If both Senate Bill No. 102 and [this act] are passed and approved and if both contain a section that amends 37-23-202, then [section 2 of this act], amending 37-23-202, is void."
Insert: "COORDINATION SECTION. **Section 6. Coordination instruction.** If both Senate Bill No. 166 and [this act] are passed and approved and if both contain a section that amend 37-35-202, then the sections amending 37-35-202 are void, and 37-35-202 must be amended as follows:
"**37-35-202. Licensure and registration requirements -- examination -- fees -- fingerprint check.** (1) To be eligible for licensure as a licensed addiction counselor, the applicant shall submit an application fee in an amount established by the board by rule and a written application on a form provided by the board that demonstrates that the applicant has completed the eligibility requirements and competency standards as defined by board rule.
(2) ~~A person may apply for licensure as a licensed addiction counselor if the person has~~ An applicant must meet one of the following degree requirements:
(a) ~~received~~ a minimum of a baccalaureate or advanced degree from an accredited college or university in one of the following areas: ~~in~~
(i) alcohol and drug studies~~,~~ ;
(ii) psychology~~,~~ ;
(iii) sociology~~,~~ ;
(iv) social work~~, or~~ ;
(v) counseling;~~, or a comparable degree from an accredited college or university; or~~
(vi) human services;
(vii) psychiatric rehabilitation; or
(viii) community health;
(b) ~~received~~ a minimum of an associate of arts degree or a certificate from an accredited institution in one of the following areas:
(i) alcohol and drug studies~~,~~ ;
(ii) addiction~~,~~ ; or
(iii) substance abuse; or ~~from an accredited institution.~~
(c) a minimum of a baccalaureate or advanced degree from an accredited college or university in any area. Either as part of that degree or taken as courses outside the degree from an accredited college or university, the applicant must have the following:
(i) six semester credits in human behavior, sociology, psychology or a similar emphasis;
(ii) three semester credits in psychopathology or course work exploring patterns and courses of abnormal or deviant behavior; and
(iii) six semester credits in counseling. Three of these six credits must be in group counseling and three must be in the theory of counseling.
(d) if the person has not completed a degree listed in subsections (2)(a) through (2)(c), met the additional work experience requirements in an addiction treatment program set by the board by rule as equivalent and necessary to meet the provisions of (2)(a), (2)(b), or (2)(c).

(3) Prior to becoming eligible to begin the examination process, each ~~person~~ applicant shall complete supervised work experience in:

(a) an addiction treatment program as defined by the board~~, in~~ ;

(b) a program approved by the board~~, or~~ ; or

(c) ~~in~~ a similar program recognized under the laws of another state.

(4) Each applicant for licensure as a licensed addiction counselor shall successfully ~~complete a competency examination, in writing only, as defined by rules adopted by the board~~ pass a written examination prescribed by the board. The board shall provide by rule how much experience counts for the examination.

(5) (a) ~~Except as provided in subsections (5)(d) and (6), an applicant who has completed the requirements of subsection (2) but has not completed the required supervised work experience may apply for registration as an addiction counselor licensure candidate~~ A person who has completed the education required for licensure but who has not completed the supervised work experience required for licensure shall register as an addiction counselor license candidate in order to engage in addiction counseling and earn supervised work experience hours in this state.

~~(b) An application for registration as an addiction counselor licensure candidate must be approved if it is determined that:~~

~~(i) a complete application approved by the board has been submitted;~~

~~(ii) there is no legal or disciplinary action against the applicant in this or any other state;~~

~~(iii) the applicant for registration as an addiction counselor licensure candidate may only function under the supervision of a supervisor who is trained in addiction counseling or a related field as defined by rule and who has an active license in good standing in Montana or any other state; and~~

~~(iv) the applicant has completed all educational requirements as prescribed in subsection (2)(a) or (2)(b).~~

~~(c)~~ (b) A person registered as an addiction counselor licensure candidate shall register annually until the person becomes a licensed addiction counselor. The board may limit the number of years that a person may act as an addiction counselor licensure candidate.

~~(d)~~ (c) A student is not required to register as an addiction counselor licensure candidate.

~~(6) The provisions of subsection (5) do not apply until the board has adopted rules implementing this section. The rules must provide for a waiver of the provisions of subsection (5) for a person who is engaged in a supervised work experience prior to the adoption of the rules.~~

~~(7)~~ (6) (a) As a prerequisite to the issuance of a license and registration as an addiction counselor licensure candidate, the board shall require an applicant to submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307. The board may require a criminal background check of applicants and determine the suitability for licensure as provided in 37-1-201 through 37-1-205 and 37-1-307.

(b) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant has the opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust and if the board determines that the applicant is not, the license may be denied.

~~(8)~~ (7) A person holding a license to practice as a licensed addiction counselor in this state may use the title "licensed addiction counselor".

~~(9) For the purposes of this section, "comparable degree" means a degree with accredited college course work, of which 6 credit hours must be in human behavior, sociology, psychology, or a similar emphasis, 3 credit hours must be in psychopathology or course work exploring patterns and courses of abnormal or deviant behavior, and 9 credit hours must be in counseling. For the 9 credit hours in counseling, 6 credit hours must be in group counseling and 3 credit hours must be in the theory of counseling. The credit hours specified in this subsection may be obtained in an associate or master's degree program if the applicant does not have a qualifying baccalaureate degree.""~~

And, as amended, be concurred in.

HB 210, be concurred in.

LOCAL GOVERNMENT (Gauthier, Chair): 2/19/2021
SB 238, do pass.

Without objection, committee reports are adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 326, introduced by M. Lang, D. Ankney, R. Tempel, J. Welborn, referred to Agriculture, Livestock and Irrigation.
SB 327, introduced by J. Ellsworth, M. Blasdel, M. Cuffe, W. Galt, D. Kary, T. Manzella, G. Vance, referred to Fish and Game.
SB 328, introduced by D. Ankney, referred to Natural Resources.
SB 329, introduced by B. Molnar, referred to State Administration.
SB 330, introduced by B. Molnar, referred to State Administration.
SB 331, introduced by T. Manzella, M. Binkley, referred to Judiciary.
SB 332, introduced by T. Manzella, M. Binkley, referred to Public Health, Welfare and Safety.

The following Senate bills were introduced and read first time:

SB 333, introduced by B. Molnar.
SB 334, introduced by B. Molnar.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Salomon in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 190 - Senator Gauthier moved **SB 190** do pass.

SB 190 - Senator Gauthier moved **SB 190**, second reading copy, be amended as follows:

1. Page 1, line 15.
Following: "pools"
Insert: "; however, employees may not be required to contribute to a tip pool more than the amount received in tips"

2. Page 1, line 19.
Following: "include"
Insert: "exempt"
Following: "or"
Strike: "SALARIED"
3. Page 1, line 27.
Strike: "containing information"
Insert: "evidencing tips received and distributed pursuant to the tip pool"

4. Page 1, line 28 through page 2, line 8.
Strike: subsection (4) in its entirety

5. Page 2, line 11.
Strike: "part 6" in two places
Insert: "part 2" in two places

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Brown, Hinebauch, Manzella.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 190 - As amended, **SB 190** passed as follows:

Yeas: Ankney, Bogner, Boldman, Cuffe, Ellsworth, Fitzpatrick, Flowers, Friedel, Gauthier, Glimm, Hertz, Hoven, Jacobson, Kary, Keenan, Lynch, McNally, Morigeau, Osmundson, Pope, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Brown, Cohenour, Ellis, Esp, Fox, Gillespie, Gross, Hinebauch, Howard, Lang, Manzella, McClafferty, McGillvray, Molnar, O'Brien, Pomnichowski, Regier K, Sands, Sweeney, Webber.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 191 - Senator Osmundson moved **SB 191** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Glimm, Keenan, Lynch.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 203 - Senator Bogner moved **SB 203** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 186 - Senator Friedel moved **SB 186** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 99 - Majority Leader Smith moved **SB 99** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 162 - Senator Howard moved **SB 162** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 128 - Senator Fitzpatrick moved **SB 128** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 160 - Senator Kary moved **SB 160** do pass.

SB 160 - Senator Kary moved **SB 160**, second reading copy, be amended as follows:

1. Page 8, line 22.
Strike: "5-year"
Insert: "6-year"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 160 - Senator Lynch moved **SB 160**, second reading copy, be further amended as follows:

1. Page 5, line 25 through line 27.
Strike: subsection (3) in its entirety
Insert: "(3) (a) A four-member nomination committee composed of the speaker of the house, the president of the senate, and the minority leaders of both houses of the legislature shall submit to the governor a list of not less than two or more than five names of individuals for the governor's consideration. A majority of the members of the nomination committee must have agreed on each name submitted.
(b) The governor shall appoint the commissioners from the list of names submitted by the nomination committee. However, if the nomination committee fails to submit names agreed to

by a majority of the nomination committee members, the governor may appoint anyone who meets the qualifications set forth in subsection (4)."

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Jacobson, Kary, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Esp, Glimm, Hinebauch, Hoven, Howard, Keenan, Lang, Molnar.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 160 - As amended, **SB 160 failed** to pass as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Cohenour, Ellis, Jacobson, Kary, Lynch, McNally, Morigeau, O'Brien, Osmundson, Pope, Sales, Welborn.
Total 16

Nays: Bennett, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, McClafferty, McGillvray, Molnar, Pomnichowski, Regier K, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 34

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 160 - Majority Leader Smith moved **SB 160** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bogner, Boland, Brown, Cohenour, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, McClafferty, McGillvray, Molnar, Osmundson, Pomnichowski, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Mr. President.
Total 34

Nays: Ankney, Bennett, Boldman, Cuffe, Ellis, Fox, Gross, Jacobson, Kary, Lynch, McNally, Morigeau, O'Brien, Pope, Webber, Welborn.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Salomon moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, O'Brien, Osmundson, Pomnichowski, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Bennett, Boland, Cohenour, Jacobson, McNally, Morigeau, Pope, Sands.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 60 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Sands, Sweeney, Tempel, Webber, Welborn.
Total 39

Nays: Ellsworth, Esp, Glimm, Hoven, Keenan, Molnar, Salomon, Small, Smith C, Vance, Mr. President.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 136 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 46

Nays: Gross, McClafferty, Pomnichowski, Webber.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 207 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 36

Nays: Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Hinebauch, Howard, Keenan, Lang, McGillvray, Molnar, Regier K, Smith C, Welborn.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 5 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 40

Nays: Ellsworth, Friedel, Gillespie, Glimm, Hinebauch, Howard, Keenan, Lang, Regier K, Tempel.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 7 passed as follows:

Yeas: Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar,

Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Mr. President.
Total 28

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber, Welborn.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 103 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the coming week:

Bryce Bowman from Corvallis, Montana, sponsored by Senator Manzella
Michael Foote from Troy, Montana, sponsored by Senator Cuffe
Shelby Hyatt from Helena, Montana, sponsored by Senator Esp
Dylan Maharg from Helena, Montana, sponsored by Senator Gauthier

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, February 23, 2021, the thirty-eighth legislative day. Motion carried.

Senate adjourned at 2:40 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
THIRTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 23, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/23/2021

Correctly printed: **SB 99**, **SB 128**, **SB 162**, **SB 186**, **SB 191**, **SB 203**, **SB 239**, **SB 326**, **SB 327**, **SB 329**, **SB 330**, **SB 331**, **SB 332**, **SB 333**, **SB 334**, **HB 210**.
Correctly engrossed: **SB 182**, **SB 190**, **SB 216**, **SB 217**, **SB 248**, **HB 117**, **HB 177**.
Correctly enrolled: **SR 69**, **SR 73**.
Transmitted to the House: **SB 7**, **SB 60**, **SB 136**, **SB 207**, **SJ 5**, **HB 103**.
Signed by the Secretary of the Senate at 11:00 a.m., February 22, 2021: **SB 50**.
Signed by the Secretary of the Senate at 3:30 p.m., February 22, 2021: **SR 48**, **SR 58**, **SR 60**.
Signed by the President at 12:30 p.m., February 22, 2021: **SB 50**.
Signed by the President at 7:30 a.m., February 23, 2021: **SR 48**, **SR 58**, **SR 60**.
Signed by the Speaker at 10:05 a.m., February 23, 2021: **SB 50**.
Delivered to the Secretary of State at 3:39 p.m., February 23, 2021: **SR 48**, **SR 58**, **SR 60**.
Delivered to the Governor for information February 23, 2021: **SR 48**, **SR 58**, **SR 60**.
Delivered to the Governor for signature at 3:41 p.m., February 23, 2021: **SB 50**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/22/2021
SB 217, introduced bill, be amended as follows:

1. Title, line 5.
Following: "MODEL"
Insert: "OR PRIMARY CARE BEHAVIORAL HEALTH MODEL"

2. Page 7.
Following: line 14
Insert: "(5) "Primary care behavioral health model" means an evidence-based, integrated behavioral health care service delivery model delivered in primary or specialty care settings that recognizes licensed psychologists as consultants as well as direct service providers."
Renumber: subsequent subsections

3. Page 8, line 20.

Following: "**care**"
Insert: "**or primary care behavioral health**"

4. Page 9, line 17.
Following: "care"
Insert: "or primary care behavioral health"

5. Page 9, line 20.
Following: "99493;"
Strike: "and"

6. Page 9, line 21.
Following: "99494"
Insert: ";
(iv) 99484, the code for care management services for behavioral health conditions;
(v) 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, and 96171, the codes for health behavior assessment and intervention; and
(vi) 99446, 99447, 99448, 99449, and 99451, the codes for interprofessional telephone/internet/electronic health record consultations"

And, as amended, do pass.

HB 117, be amended as follows:

1. Page 5, line 1.
Following: "~~solely~~"
Insert: "solely"

And, as amended, be concurred in.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/23/2021
SR 77, be adopted.
SR 78, be adopted.
SR 79, be adopted.
SR 80, be adopted.
HB 197, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/22/2021
SB 206, do pass.

JUDICIARY (Regier, Chair): 2/23/2021
SB 194, do pass.
SB 220, introduced bill, be amended as follows:

1. Page 1, line 16 through line 17.
Strike: "or what" on line 16 through "weapon" on line 17

And, as amended, do pass.

SB 240, do pass.
SB 242, introduced bill, be amended as follows:

1. Title, line 4.
Following: "SALE"
Insert: ", SHARE, OR TRANSFER"

2. Title, line 6.
Strike: "AN IMMEDIATE"
Insert: "A DELAYED"

3. Page 1, line 10.
Strike: "**sale**"
Insert: "**transfer**"

4. Page 1, line 11.
Following: "sell"
Insert: ","
Strike: "or"

5. Page 1, line 11.
Following: "sale"
Insert: ", share, or transfer"

6. Page 1, line 15.
Following: "sells"
Insert: ","
Strike: "or"

7. Page 1, line 15.
Following: "sale"
Insert: ", shares, or transfers"

8. Page 1, line 25.
Strike: "on passage and approval"
Insert: "January 1, 2022"

And, as amended, do pass.

SJ 8, do pass.

HB 215, be concurred in.

LOCAL GOVERNMENT (Gauthier, Chair): 2/22/2021
SB 221, do pass.
SB 286, do pass.
SB 294, do pass.

NATURAL RESOURCES (Welborn, Chair): 2/22/2021
SB 258, do pass.
SJ 6, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/22/2021
SB 218, do pass.
SB 245, do pass.
SR 72, be adopted.

STATE ADMINISTRATION (Kary, Chair): 2/22/2021
SB 225, do pass.
SB 227, do pass.
SJ 9, do pass.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORT

STATE ADMINISTRATION (Kary, Chair): 2/22/2021
SR 23, introduced resolution, be amended as follows:

1. Page 1, line 12.
Strike: "Terri Hogan, Helena, Montana, for a term ending March 31, 2022."

And, as amended, be **not** adopted.

Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/22/2021

HB 269, introduced by R. Marshall
HB 290, introduced by B. Tschida
HB 292, introduced by G. Custer
HB 298, introduced by S. Galloway
HB 304, introduced by F. Garner
HB 320, introduced by S. Gunderson
HB 330, introduced by L. Jones

House joint resolution passed and transmitted to the Senate for concurrence: 2/22/2021

HJ 10, introduced by D. Loge

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 335, introduced by G. Vance, P. Fielder, referred to State Administration.
SB 336, introduced by C. Friedel, referred to Highways and Transportation.
SB 337, introduced by M. Lang, referred to Fish and Game.
SB 338, introduced by M. Lang, referred to Judiciary.
SB 339, introduced by J. Pomnichowski, referred to State Administration.
SB 340, introduced by C. Pope, referred to Energy and Telecommunications.
SB 342, introduced by S. O'Brien, referred to Education and Cultural Resources.
SB 343, introduced by S. O'Brien, referred to Education and Cultural Resources.
SB 344, introduced by K. Bogner, referred to Judiciary.
SB 345, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 346, introduced by T. Manzella, referred to Local Government.
SB 347, introduced by T. Manzella, referred to Agriculture, Livestock and Irrigation.
SB 348, introduced by W. Sales, referred to Natural Resources.
SB 349, introduced by S. Fitzpatrick, referred to Local Government.
SB 350, introduced by G. Hertz, referred to State Administration.

SB 351, introduced by B. Bennett, referred to State Administration.
SB 352, introduced by J. Esp, referred to Natural Resources.
SB 353, introduced by J. Gross, E. Boldman, R. Lynch, M. Sweeney, referred to Judiciary.
SB 354, introduced by S. Hinebauch, referred to Fish and Game.
SB 356, introduced by J. Gross, referred to Education and Cultural Resources.
SB 358, introduced by J. Esp, M. Cuffe, referred to Natural Resources.

The following Senate bills were introduced and read first time:

SB 341, introduced by D. Howard.
SB 355, introduced by M. Lang.
SB 357, introduced by J. Gross.
SB 359, introduced by S. Hinebauch.

The following Senate bills, previously introduced, were referred to committees:

SB 333, introduced by B. Molnar, referred to Judiciary.
SB 334, introduced by B. Molnar, referred to Energy and Telecommunications.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 15, introduced by J. Ellsworth, D. Ankney, D. Bedey, B. Bennett, M. Bertoglio, M. Binkley, M. Blasdel, K. Bogner, E. Boldman, B. Brown, A. Buckley, J. Cohenour, M. Cuffe, G. Custer, J. Dooling, J. Ellsworth, S. Fitzpatrick, G. Frazer, C. Friedel, T. Gauthier, B. Gillespie, C. Glimm, S. Greef, G. Hertz, S. Hinebauch, B. Hoven, D. Howard, T. Jacobson, D. Kary, M. Lang, D. Loge, R. Lynch, T. Manzella, R. Marshall, B. Molnar, S. Morigeau, M. Noland, S. O'Brien, R. Osmundson, J. Patelis, B. Phalen, B. Putnam, K. Regier, T. Running Wolf, D. Salomon, J. Schillinger, J. Small, C. Smith, R. Tempel, G. Vance, K. Walsh, J. Welborn, K. Zolnikov, referred to Education and Cultural Resources.
SJ 16, introduced by S. Hinebauch, D. Bartel, B. Beard, D. Bedey, S. Berglee, M. Bertoglio, M. Binkley, M. Blasdel, K. Bogner, L. Brewster, E. Buttrey, J. Carlson, G. Custer, J. Dooling, N. Duram, P. Fielder, R. Fitzgerald, S. Fitzpatrick, F. Fleming, G. Frazer, J. Fuller, S. Galloway, W. Galt, F. Garner, J. Gillette, S. Gist, S. Greef, S. Gunderson, E. Hill, C. Hinkle, J. Hinkle, K. Holmlund, M. Hopkins, L. Jones, J. Kassmier, J. Keane, S. Kerns, C. Knudsen, R. Knudsen, D. Lenz, B. Ler, D. Loge, M. Malone, R. Marshall, W. McKamey, B. Mercer, T. Moore, F. Nave, M. Noland, J. Patelis, B. Phalen, J. Read, A. Regier, M. Regier, L. Reksten, V. Ricci, J. Schillinger, K. Seekins-Crowe, L. Sheldon-Galloway, D. Skees, M. Stromswold, J. Trebas, B. Tschida, B. Usher, G. Vance, S. Vinton, K. Walsh, T. Welch, K. Zolnikov, referred to Natural Resources.
SJ 17, introduced by B. Bennett, referred to State Administration.

The following Senate joint resolution was introduced and read first time:

SJ 18, introduced by B. Gillespie.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 82, introduced by D. Kary, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 269, introduced by R. Marshall, referred to Local Government.
HB 290, introduced by B. Tschida, referred to Business, Labor, and Economic Affairs.
HB 292, introduced by G. Custer, M. Binkley, referred to Local Government.
HB 298, introduced by S. Galloway, F. Smith, E. Buttrey, D. Skees, J. Read, S. Fitzpatrick, J. Windy Boy, T. McGillvray, J. Keane, D. Howard, K. Regier, M. Blasdel, L. Jones, D. Lenz, W. Galt, S. Berglee, F. Garner, J. Hinkle, K. Holmlund, M. Noland, V. Ricci, B. Tschida, S. Hinebauch, S. Gunderson, D. Fern, D. Loge, R. Fitzgerald, F. Anderson, L. Sheldon-Galloway, D. Bartel, C. Knudsen, B. Usher, J. Patelis, S. Vinton, T. Welch, B. Beard, J. Small, M. Hopkins, F. Fleming, . Duram, J. Fuller, . Knudsen, J. Dooling, . Harvey, B. Mercer, T. Moore, D. Bedey, S. Greef, B. Putnam, B. Ler, B. Phalen, F. Nave, J. Carlson, L. Brewster, K. Zolnikov, B. Mitchell, A. Regier, P. Fielder, S. Kerns, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Stromswold, M. Malone, A. Buckley, J. Gillette, C. Hinkle, G. Frazer, M. Binkley, R. Marshall, K. Whitman, referred to Taxation.
HB 304, introduced by F. Garner, D. Fern, referred to Local Government.
HB 320, introduced by S. Gunderson, referred to Natural Resources.
HB 330, introduced by L. Jones, K. Holmlund, referred to Finance and Claims.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 10, introduced by D. Loge, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lang in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 159 - Senator Hertz moved **SB 159** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 182 - Senator Hertz moved **SB 182** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 184 - Senator Blasdel moved **SB 184** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 163 - Senator Glimm moved **SB 163** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Lynch.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 193 - Senator Hinebauch moved **SB 193** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 100 - Senator C. Smith moved **SB 100** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 174 - Senator Hertz moved **SB 174** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber, Welborn.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 231 - Senator Blasdel moved **SB 231** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 38

Nays: Bennett, Boland, Cohenour, Ellis, Fox, Gross, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 12

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include two changes of vote: 1) Motion by Senator Ellsworth this day to change his vote from No to Yes . 2) Motion by Senator Manzella the following legislative day to change her vote from No to Yes.

SB 196 - Senator McGillvray moved **SB 196** do pass. Motion carried as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Welborn, Mr. President.
Total 26

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Lang moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 41

Nays: Bennett, Boland, Cohenour, McClafferty, McNally, Morigeau, Pomnichowski, Sands, Webber.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 99 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 128 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 162 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 27

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 186 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 191 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Glimm, Keenan.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 203 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 100**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 159**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Cohenour moved that **SB 10** be taken from the Taxation Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Ellsworth moved to change his second-reading vote on **SB 231** from No to Yes. Without objection, so ordered.

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned names be **ADDED** as sponsor to **SB 242**. Without objection, so ordered.

SB 242 (B. Bennett, Chief Sponsor)
Senator P. Flowers.
Representative K. Sullivan.

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SJ 9**. Without objection, so ordered.

SJ 9 (G. Hertz, Chief Sponsor)
Senator J. Pomnichowski.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, February 24, 2021, the thirty-ninth legislative day. Motion carried.

Senate adjourned at 2:40 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
THIRTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 24, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/24/2021

Correctly printed: **SB 100**, **SB 159**, **SB 163**, **SB 174**, **SB 182**, **SB 184**, **SB 193**, **SB 194**, **SB 196**, **SB 206**, **SB 218**, **SB 221**, **SB 225**, **SB 227**, **SB 231**, **SB 238**, **SB 240**, **SB 245**, **SB 258**, **SB 286**, **SB 294**, **SB 335**, **SB 336**, **SB 337**, **SB 338**, **SB 339**, **SB 340**, **SB 341**, **SB 342**, **SB 343**, **SB 344**, **SB 345**, **SB 346**, **SB 347**, **SB 348**, **SB 349**, **SB 350**, **SB 351**, **SB 352**, **SB 353**, **SB 354**, **SB 355**, **SB 356**, **SB 357**, **SB 358**, **SB 359**, **SJ 6**, **SJ 8**, **SJ 9**, **SJ 15**, **SJ 16**, **SJ 17**, **SJ 18**, **SR 72**, **SR 77**, **SR 78**, **SR 79**, **SR 80**, **SR 82**, **HB 197**, **HB 215**.
Correctly engrossed: **SB 220**, **SB 237**, **SB 242**.
Correctly enrolled: **SB 15**, **SB 17**, **SB 54**, **SB 74**, **SB 102**, **SB 110**.
Examined by the sponsor and found to be correct: **SB 17**, **SB 54**, **SB 74**, **SB 102**, **SB 110**, **SR 69**, **SR 73**.
Transmitted to the House: **SB 99**, **SB 128**, **SB 162**, **SB 186**, **SB 191**, **SB 203**.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 163 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Lynch.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 174 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 182 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 184 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 190 passed as follows:

Yeas: Ankney, Bogner, Boldman, Cuffe, Ellsworth, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McGillvray, Molnar, Osmundson, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Brown, Cohenour, Ellis, Esp, Fox, Gross, Hinebauch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 193 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally,

Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 196 passed as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Sands, Smith C, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Small, Sweeney, Tempel, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 231 passed as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 41

Nays: Bennett, Boland, Cohenour, Ellis, Gross, Morigeau, O'Brien, Pomnichowski, Webber.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lang excused at this time.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/23/2021
SB 247, introduced bill, be amended as follows:

1. Title, line 7.
Following: "PROPERTY;"
Strike: "AND"

2. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 5.
Following: line 26
Insert: "NEW SECTION. **Section 6. {standard} Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/23/2021
SB 237, introduced bill, be amended as follows:

1. Page 10.
Following: line 22
Insert: "NEW SECTION. **Section 6. Existing projects and contracts -- grandfather clause.** [This act] does not affect a public utility's continued recovery of costs, or rate base treatment of investment, associated with any existing community renewable energy project and may not be construed to alter, amend, diminish, or invalidate rights or duties governed by a contract, agreement, or lease entered into prior to [the effective date of this act]."
Renumber: subsequent sections

And, as amended, do pass.

SJ10, do pass.

JUDICIARY (Regier, Chair): 2/24/2021
SB 252, do pass.
SB 261, do pass.
SB 282, introduced bill, be amended as follows:

1. Page 2, line 6.
Following: "pharmaceuticals;"
Strike: "or"

2. Page 2, line 7.
Following: "setting"
Insert: "; or
(e) vaccination administration"

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 23, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Blasdel:

On Tuesday, February 23, 2021, I signed the following bills:

Senate Bill 1 - Kary
Senate Bill 5 - Tempel
Senate Bill 6 - Cohenour
Senate Bill 23 - Salomon
Senate Bill 25 - Salomon
Senate Bill 30 - Blasdel
Senate Bill 34 - Cohenour
Senate Bill 35 - Hoven
Senate Bill 36 - Hertz
Senate Bill 45 - Blasdel
Senate Bill 61 - Flowers

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/23/2021

HB 152, introduced by . Duram
HB 186, introduced by S. Kerns
HB 192, introduced by L. Reksten
HB 246, introduced by M. Bertoglio
HB 252, introduced by L. Jones
HB 267, introduced by . Duram
HB 294, introduced by R. Fitzgerald
HB 299, introduced by M. Dunwell
HB 306, introduced by M. Funk
HB 349, introduced by M. Hopkins
HB 382, introduced by W. Curdy

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 360, introduced by M. Lang, referred to Fish and Game.
SB 361, introduced by B. Hoven, referred to Judiciary.
SB 362, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.
SB 363, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 364, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 365, introduced by K. Regier, referred to Judiciary.
SB 366, introduced by C. Glimm, referred to Judiciary.
SB 367, introduced by S. Morigeau, referred to Business, Labor, and Economic Affairs.
SB 368, introduced by T. Manzella, M. Binkley, K. Bogner, B. Brown, J. Carlson, J. Ellsworth, S. Hinebauch, C. Hinkle, D. Kary, T. McGillvray, J. Read, J. Schillinger, referred to Public Health, Welfare and Safety.
SB 369, introduced by J. Small, referred to Business, Labor, and Economic Affairs.
SB 370, introduced by J. Ellsworth, referred to Judiciary.
SB 371, introduced by B. Keenan, referred to Natural Resources.

The following Senate bills, previously introduced, were referred to committees:

SB 341, introduced by D. Howard, referred to Public Health, Welfare and Safety.
SB 355, introduced by M. Lang, referred to Finance and Claims.
SB 357, introduced by J. Gross, referred to Public Health, Welfare and Safety.
SB 359, introduced by S. Hinebauch, referred to Agriculture, Livestock and Irrigation.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 19, introduced by M. Cuffe, referred to State Administration.
SJ 20, introduced by S. O'Brien, C. Keogh, referred to Public Health, Welfare and Safety.
SJ 21, introduced by M. Cuffe, S. Gunderson, referred to Natural Resources.

The following Senate joint resolution, previously introduced, was referred to committee:

SJ 18, introduced by B. Gillespie, referred to Fish and Game.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 83, introduced by D. Salomon, referred to Education and Cultural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 152, introduced by . Duram, M. Cuffe, J. Ellis, D. Fern, referred to Natural Resources.
HB 186, introduced by S. Kerns, referred to Education and Cultural Resources.
HB 192, introduced by L. Reksten, referred to Education and Cultural Resources.
HB 246, introduced by M. Bertoglio, L. Jones, W. McKamey, F. Anderson, D. Bedey, referred to Education and Cultural Resources.
HB 252, introduced by L. Jones, D. Salomon, R. Osmundson, W. Galt, S. Berglee, K. Holmlund, D. Loge, J. Dooling, J. Kassmier, D. Bedey, referred to Taxation.
HB 267, introduced by . Duram, D. Skees, M. Blasdel, C. Glimm, F. Garner, M. Noland, R. Fitzgerald, S. Vinton, J. Fuller, referred to Highways and Transportation.
HB 294, introduced by R. Fitzgerald, referred to Agriculture, Livestock and Irrigation.
HB 299, introduced by M. Dunwell, referred to Public Health, Welfare and Safety.
HB 306, introduced by M. Funk, referred to Highways and Transportation.
HB 349, introduced by M. Hopkins, J. Read, J. Fuller, D. Bedey, referred to Judiciary.
HB 382, introduced by W. Curdy, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGillvray in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 133 - Senator Hertz moved **SB 133** do pass.

SB 133 - Senator Hertz moved **SB 133**, second reading copy, be amended as follows:

1. Page 5, line 18.
Following: "VALUE"
Insert: "from the department's appealed value"

2. Page 5, line 20.
Strike: "APPRAISED VALUE ESTABLISHED BY THE DEPARTMENT"
Insert: "value in the department's original appeal from the county tax appeal board proceeding"

3. Page 5, line 21.
Following: "TAXPAYER"
Insert: "for the state tax appeal board or court proceeding"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 133 - As amended, **SB 133** passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, Morigeau,

O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 51 - Senator Ellsworth moved **SB 51** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Cohenour, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 211 - Senator Fitzpatrick moved **SB 211** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 216 - Senator Small moved **SB 216** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 219 - Senator Howard moved **SB 219** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 222 - Senator Gauthier moved **SB 222** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 42

Nays: Bennett, Flowers, Gross, Morigeau, Pomnichowski, Pope, Sands, Webber.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 223 - Senator Gauthier moved **SB 223** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 183 - Senator Hertz moved **SB 183** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 154 - Senator Small moved **SB 154** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Ellis, Gross, McClafferty, Pomnichowski, Sands.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 158 - Senator Hinebauch moved **SB 158** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Salomon, Small, Smith C, Vance, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Sweeney, Tempel, Webber, Welborn.

Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair McGillvray moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: Lang.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/24/2021
SB 76, introduced bill, be amended as follows:

1. Title, line 7.
Following: line 6
Insert: "PROVIDING FOR FUND TRANSFERS;"

2. Page 2.
Following: line 1

Insert: "NEW SECTION. **Section 2. Transfer of funds.** (1) For fiscal year 2022, the state auditor shall transfer $229,500 from the state special revenue fund to the credit of the state auditor's office into the general fund.
(2) For fiscal year 2023, the state auditor shall transfer $237,000 from the state special revenue fund to the credit of the state auditor's office into the general fund."

And, as amended, do pass.

SB 260, introduced bill, be amended as follows:

1. Page 2, line 8.
Strike: "and beneficial water use permits or authorizations"
Insert: "as defined in 85-2-102"

2. Page 2, line 23.
Following: "law;"
Strike: "or"

3. Page 2, line 25.
Strike: "land use"

4. Page 2, line 26.
Following: "impacts"
Insert: "; or
(iii)an action taken by the department of natural resources and conservation under 85-2-310 on an application to change a water right filed pursuant to Title 85"

5. Page 3, line 1.
Following: "to"
Insert: ":
(a)"

6. Page 3, line 2.
Following: "individuals"
Insert: ", licenses issued by a municipality"

7. Page 3, line 2.
Strike: "relating to"
Insert: "or business involving the growing, distribution, or sale of"

8. Page 3, line 3.
Strike: "."
Insert: ";"

9. Page 3.

Following: line 3
Insert: " (b)department of transportation acquisition of interest in property authorized under Title 60, chapter 4, or Title 67, chapter 2;
(c) claims of inverse condemnation resulting from local government and municipal operations; or
(d) business entity filings with the secretary of state."

And, as amended, do pass.

SB 265, introduced bill, be amended as follows:

1. Page 2.
Following: line 6
Insert: "NEW SECTION. **Section 2. {standard} Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent sections

And, as amended, do pass.

SB 266, introduced bill, be amended as follows:

1. Page 3.
Following: line 15
Insert: "(4) All legal actions under this section must be brought in the county in which the electrical generation facility is located."

2. Page 3.
Following: line 20
Insert: "NEW SECTION. **Section 4. {standard} Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent sections

And, as amended, do pass.

SR 75, be adopted.

FINANCE AND CLAIMS (Osmundson, Chair): 2/24/2021
SB 29, do pass.
SB 91, do pass.
SB 175, do pass.
SB 192, do pass.

SB 230, do pass.
SB 249, do pass.
HB 143, be concurred in.

Without objection, committee reports were adopted.

MOTIONS

Senator Manzella moved to change her second-reading vote made the previous legislative day on **SB 231** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, February 25, 2021, the fortieth legislative day. Motion carried.

Senate adjourned at 2:18 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FORTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 25, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Ankney excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/25/2021

Correctly printed: **SB 29**, **SB 51**, **SB 91**, **SB 154**, **SB 158**, **SB 175**, **SB 183**, **SB 192**, **SB 211**, **SB 216**, **SB 219**, **SB 222**, **SB 223**, **SB 230**, **SB 249**, **SB 252**, **SB 261**, **SB 360**, **SB 361**, **SB 362**, **SB 363**, **SB 364**, **SB 365**, **SB 366**, **SB 367**, **SB 368**, **SB 369**, **SB 370**, **SB 371**, **SJ 10**, **SJ 19**, **SJ 20**, **SJ 21**, **SR 75**, **SR 83**, **HB 143**.
Correctly engrossed: **SB 76**, **SB 133**, **SB 247**, **SB 260**, **SB 265**, **SB 266**, **SB 282**.
Correctly enrolled: **SB 28**, **SB 56**, **SB 70**, **SR 42**, **SR 56**, **SR 63**, **SR 65**, **SR 66**, **SR 68**, **SR 70**, **SR 71**.
Examined by the sponsor and found to be correct: **SR 56**, **SR 63**, **SR 65**, **SR 66**, **SR 68**, **SR 70**, **SR 71**.
Transmitted to the House: **SB 163**, **SB 174**, **SB 182**, **SB 184**, **SB 190**, **SB 193**, **SB 196**, **SB 231**.
Signed by the Secretary of the Senate at 9:45 a.m., February 25, 2021: **SB 17**, **SB 54**, **SB 74**, **SB 102**, **SB 110**, **SR 69**, **SR 73**.
Signed by the President at 10:00 a.m., February 25, 2021: **SR 69**, **SR 73**.
Signed by the President at 10:10 a.m., February 25, 2021: **SB 17**, **SB 54**, **SB 74**, **SB 102**, **SB 110**.
Signed by the Speaker at 3:46 p.m., February 25, 2021: **SB 17**, **SB 54**, **SB 74**, **SB 102**, **SB 110**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/24/2021
SB 188, introduced bill, be amended as follows:

1. Title, line 5.
Following: "MCA;"
Insert: "AMENDING SECTION 4, CHAPTER 307, LAWS OF 2019;"

2. Page 1, line 15.
Strike: "7"
Insert: "5"

3. Page 2, line 23.
Strike: "2025"

Insert: "2026"

4. Page 2, line 23 through line 24.
Strike: "--sec." on line 23 through "2019" on line 24

5. Page 2, line 25.
Strike: "**2025"**
Insert: "**2026"**

6. Page 4.
Following: line 4
Insert: "**Section 3.** Section 4, Chapter 307, Laws of 2019, is amended to read:
"**Section 4. Termination** [This act] terminates June 30, ~~2025~~ 2026.""
Renumber: subsequent sections

7. Page 4, line 8.
Strike: "2025"
Insert: "2026"

And, as amended, do pass.

JUDICIARY (Regier, Chair): 2/25/2021
SB 259, do pass.
SB 271, do pass.
SB 277, do pass.
SB 280, do pass.
SB 318, do pass.

NATURAL RESOURCES (Welborn, Chair): 2/24/2021
SB 233, introduced bill, be amended as follows:

1. Title, line 7.
Following: "7-13-4517,"
Strike: "15-24-3001, 37-42-102, 37-42-321,"

2. Title, line 8
Following: "50-2-116,"
Strike: "50-79-401, 50-79-403, 75-1-220,"
Following: "75-1-1001,"
Strike: "75-2-103, 75-2-104,"
Following: "75-2-105,"
Insert: "75-2-111,"

3. Title, line 9.
Following: "75-2-212,"

Strike: "75-2-213,"

4. Title, line 10 through line 11.
Following: "75-2-302," on line 10
Strike: "75-2-401," on line 10 through "421," on line 11

5. Title, line 11.
Following: "75-2-422,"
Strike: "75-2-425, 75-2-426,"
Strike: "75-2-515,"
Following: "75-5-103,"
Strike: "75-5-105,"
Following: "75-5-201,"
Strike: "75-5-202,"

6. Title, line 13.
Following: "75-5-313,"
Strike: "75-5-314,"
Following: "75-5-402,"
Strike: "75-5-403, 75-5-404,"

7. Title, line 14.
Strike: "75-5-611," through "75-5-702,"
Following: "75-5-802,"
Strike: "75-6-102,"

8. Title, line 15.
Strike: "75-6-109,"
Strike: "75-6-113,"

9. Title, line 16.
Strike: "75-10-103,"
Strike: "75-10-203, 75-10-206,"

10. Title, line 16 through line 19.
Strike: "75-10-223," on line 16 through "75-11-503," on line 19

11. Title, 20.
Strike: "75-11-509," through "75-20-104,"

12. Title, line 20 through line 21.
Following: "75-20-105,"
Strike: "75-20-201," on line 20 through "75-20-215," on line 21

13. Title, line 21 through 22.
Strike: "75-20-219," on line 21 through "401," on line 22

14. Title, line 22.
Strike: "75-20-410, 75-20-411,"
Strike: "75-20-1202,"

15. Title, line 22 through line 23.
Strike: "75-26-301, 75-26-304,"

16. Title, line 23.
Strike: "76-4-102," through "76-4-126,"

17. Title, line 23.
Following: "76-4-1001,"
Strike: "80-15-102,"

18. Title, line 24.
Following: "82-4-102,"
Strike: "82-4-103,"

19. Title, line 24.
Following: "82-4-129,"
Strike: "82-4-130, 82-4-203,"
Following: "82-4-205,"
Strike: "82-4-206,"

20. Title, line 25.
Following: "82-4-226,"
Strike: "82-4-227,"
Following: "82-4-239,"
Strike: "82-4-251,"
Following: "82-4-254,"
Strike: "82-4-303,"

21. Title, line 26.
Following: "82-4-304,"
Strike: "82-4-305,"

22. Title, line 26 through line 27.
Following: "82-4-342,"
Strike: "82-4-353," on line 26 through "82-4-362," on line 27

23. Title, line 27.
Following: "82-4-371,"
Strike: "82-4-403,"
Following: "82-4-422,"
Strike: "82-4-427,"

Following: "82-4-437,"
Strike: "82-4-441, 82-4-442,"

24. Title, page 2, line 1.
Following: "4-1001,"
Insert: "AND"
Following: "82-15-102,"
Strike: "AND 82-15-120,"
Following: "MCA;"
Strike: "AND"
Following: "SECTIONS"
Strike: "2-15-3502, 75-2-111,"

25. Title, page 2, line 2.
Following: "MCA"
Insert: "AND PROVIDING AN EFFECTIVE DATE"

26. Page 4, line 10 through page 7, line 21.
Strike: sections 4 through 6 in their entirety
Renumber: subsequent sections

27. Page 10, line 7 through page 12, line 20.
Strike: sections 8 through 10 in their entirety
Renumber: subsequent sections

28. Page 13, line 25 through page 18, line 17.
Strike: sections 12 and 13 in their entirety
Renumber: subsequent sections

29. Page 19.
Following: line 7
Insert: "**Section 7.** Section 75-2-111, MCA, is amended to read:

"**75-2-111. Powers of board.** The board shall, subject to the provisions of 75-2-207:

~~(1) adopt, amend, and repeal rules for the administration, implementation, and enforcement of this chapter, for issuing orders under and in accordance with 42 U.S.C. 7419, and for fulfilling the requirements of 42 U.S.C. 7420 and regulations adopted pursuant to that section, except that, for purposes other than agricultural open burning, the board may not adopt permitting requirements or any other rule relating to:~~

~~(a) any agricultural activity or equipment that is associated with the use of agricultural land or the planting, production, processing, harvesting, or storage of agricultural crops by an agricultural producer and that is not subject to the requirements of 42 U.S.C. 7475, 7503, or 7661a;~~

~~(b) a commercial operation relating to the activities or equipment referred to in subsection (1)(a) that remains in a single location for less than 12 months and is not subject to the requirements of 42 U.S.C. 7475, 7503, or 7661a; or~~

~~(c) forestry equipment and its associated engine used for forestry practices that remain in a single location for less than 12 months and are not subject to the requirements of 42 U.S.C. 7475, 7503, or 7661a;~~

(2)(1) hold hearings relating to any aspect of or matter in the administration of this chapter at a place designated by the board. The board may compel the attendance of witnesses and the production of evidence at hearings. The board shall designate an attorney to assist in conducting hearings and shall appoint a reporter who must be present at all hearings and take full stenographic notes of all proceedings, transcripts of which will be available to the public at cost.

~~(3)~~(2) issue orders necessary to effectuate the purposes of this chapter;

~~(4) by rule require access to records relating to emissions;~~

~~(5) by rule adopt a schedule of fees required for permits, permit applications, and registrations consistent with this chapter;~~

~~(6)~~(3) have the power to issue orders under and in accordance with 42 U.S.C. 7419.""

30. Page 19, line 13.
Following: "chapter,"
Strike: "for issuing orders under and in accordance with 42 U.S.C. 7419"

31. Page 19, line 24 through line 28.
Strike: subsection (b) in its entirety
Renumber: subsequent sections

32. Page 20, line 2.
Following: "emissions;"
Insert: "and"

33. Page 20, line 4 through line 5.
Following: "chapter"
Strike: ";" on line 4 through "7419" on line 5

34. Page 20, line 8.
Following: "the"
Strike: "former"
Following: "board"
Strike: "of environmental review"

35. Page 22, line 4.
Strike: "shall"
Insert: "must"

36. Page 22, line 25.
Strike: "has obtained"
Insert: "obtains"

37. Page 23, line 4.

Following: "study"
Strike: shall
Insert: "must"

38. Page 28, line 3.
Strike: "department"
Insert: "board"

39. Page 28, line 6.
Strike: "department"
Insert: "board"

40. Page 28, line 11.
Strike: "department"
Insert: "board"

41. Page 28, line 16.
Strike: "department"
Insert: "board"

42. Page 28, line 15.
Strike: "department"
Insert: "board"

43. Page 28, line 16.
Strike: "department"
Insert: "board"

44. Page 31, line 3 through page 33, line 12.
Strike: section 24 in its entirety
Renumber: subsequent sections

45. Page 33, line 16.
Strike: "has issued"
Insert: "issues"

46. Page 33, line 24.
Strike: "has provided"
Insert: "provides"

47. Page 34, line 9.
Strike: "has reached"
Insert: "reaches"

48. Page 34, line 12.
Strike: "has issued"

Insert: "issues"
49. Page 37, line 8.
Strike: "**department"**
Insert: "**board"**

50. Page 37, line 11.
Following: "all"
Strike: "of"

51. Page 38, line 12.
Strike: "department"
Insert: "board"

52. Page 38, line 14.
Following: "hearing"
Strike: "before the"

53. Page 38, line 15.
Following: "~~board~~"
Strike: "department"

54. Page 38, line 19.
Strike: "department"
Insert: "board"

55. Page 38, line 24.
Strike: "department"
Insert: "board"

56. Page 38, line 26.
Strike: "department"
Insert: "board"

57. Page 38, line 27.
Strike: "department"
Insert: "board"

58. Page 39, line 4.
Strike: "department"
Insert: "board"

59. Page 41, line 2.
Following: "~~board~~"
Strike: "department"

60. Page 41, line 28.
Following: "~~board~~"
Insert: "to the board"

61. Page 42, line 8.
Strike: "department"
Insert: "board"

62. Page 49, line 16 through page 53, line 20.
Strike: sections 35 through 38 in their entirety
Renumber: subsequent sections

63. Page 54, line 25 through page 55, line 19.
Strike: sections 40 and 41 in their entirety
Renumber: subsequent sections

64. Page 56, line 4 through page 57, line 5.
Strike: section 43 in its entirety
Renumber: subsequent sections

65. Page 57.
Following: line 24
Insert: "(3) "Board" means the board of environmental review provided for in 2-15-3502."
Renumber: subsequent subsections

66. Page 61, line 13.
Strike: "(29)(b)(iii)"
Insert: "(30)(b)(iii)"

67. Page 63.
Following: line 16
Insert: "(3) "Board" means the board of environmental review provided for in 2-15-3502."
Renumber: subsequent subsections

68. Page 67, line 8.
Strike: "(29)(b)(iii) and (29)(b)(iv)"
Insert: "(30)(b)(iii) and (30)(b)(iv)"

69. Page 68, line 25 through page 69, line 10.
Strike: section 45 in its entirety
Renumber: subsequent sections

70. Page 69, line 13.
Following: "council"
Insert: ", board"

71. Page 69, line 19.
Following: "council"
Insert: ", board"

72. Page 70, line 10 through line 13.
Strike: section 48 in its entirety
Renumber: subsequent sections

73. Page 71, line 5.
Strike: "department"
Insert: "board"

74. Page 71, line 6.
Strike: "department"
Insert: "board"

75. Page 71, line 12.
Strike: "department"
Insert: "board"

76. Page 72, line 13.
Strike: "giving consideration to"
Insert: "considering"

77. Page 72, line 15.
Following: "Standards"
Strike: "adopted by the ~~board~~ department"

78. Page 75, line 12.
Strike: "department"
Insert: "board"

79. Page 75, line 18.
Strike: "department"
Insert: "board"

80. Page 79, line 3.
Strike: "department"
Insert: "board"

81. Page 79, line 4.
Strike: "department 's"
Insert: "board's"

82. Page 87, line 1 through line 14.

Strike: section 62 in its entirety
Renumber: subsequent sections

83. Page 97, line 13 through page 98, line 10.
Strike: section 68 and section 69 in their entirety
Renumber: subsequent sections

84. Page 101, line 4.
Strike: "department"
Insert: "board"

85. Page 101, line 11.
Strike: "department"
Insert: "board"

86. Page 101, line 26 through page 110, line 16.
Strike: sections 74 through 78 in their entirety
Renumber: subsequent sections

87. Page 111, line 1 through page 112, line 28.
Strike: Section 80 in its entirety
Renumber: subsequent sections

88. Page 115, line 2.
Following: "department"
Insert: "or the board"

89. Page 117, line 4.
Strike: "department"
Insert: "board"

90. Page 117, line 25.
Following: "~~board~~"
Insert: "to the board"

91. Page 118, line 3 through page 119, line 6.
Strike: section 86 in its entirety
Renumber: subsequent sections

92. Page 119, line 20 through line 24.
Strike: section 88 in its entirety
Renumber: subsequent sections

93. Page 122, line 5 through page 123, line 10.
Strike: section 92 in its entirety

Renumber: subsequent sections

94. Page 127, line 3 through page 129, line 9.
Strike: Sections 96 and 97 in their entirety
Renumber: subsequent sections

95. Page 130, line 1 through page 157, line 18.
Strike: Section 99 through section 127 in their entirety
Renumber: subsequent sections

96. Page 159, line 7.
Following: "considered"
Strike: "to be"

97. Page 159, line 16 through page 168, line 10.
Strike: Section 130 through section 135 in their entirety
Renumber: subsequent sections

98. Page 168, line 16 through page 172, line 28.
Strike: section 137 through section 141 in their entirety
Renumber: subsequent sections

99. Page 174, line 17 through page 183, line 20.
Strike: section 143 through section 148 in their entirety
Renumber: subsequent sections

100. Page 183, line 23.
Following: "~~**board**~~"
Strike: "**department"**

101. Page 183, line 24.
Following: "department"
Insert: "or board"

102. Page 184, line 14.
Following: "~~board~~"
Insert: "board or"

103. Page 184, line 16.
Following: "issued"
Strike: "hereunder"

104. Page 184, line 19 through page 185, line 9.
Strike: section 151 and section 152 in their entirety
Renumber: subsequent sections

105. Page 185, line 24 through page 186, line 6.
Strike: section 154 in its entirety
Renumber: subsequent sections

106. Page 187, line 17 through page 191, line 20.
Strike: section 157 and 158 in their entirety
Renumber: subsequent sections

107. Page 193, line 28 through page 197, line 15.
Strike: section 160 through section 162 in their entirety
Renumber: subsequent sections

108. Page 198, line 20 through page 200, line 20.
Strike: section 164 in its entirety
Renumber: subsequent sections

109. Page 202, line 16.
Following: "board"
Strike: "of environmental review"

110. Page 202, line 18.
Strike: "department of environmental quality"
Insert: "board"

111. Page 202, line 19.
Strike: "department of environmental quality"
Insert: "board"

112. Page 202, line 20.
Strike: "it"
Insert: "the department"

113. Page 202, line 23 through line 24.
Strike: "department" on line 23 through "quality" on line 14
Insert: "board"

114. Page 202, line 25.
Strike: "department of environmental quality"
Insert: "board"

115. Page 202, line 26.
Following: "board"
Strike: "of environmental review"

116. Page 205, line 13 through page 206, line 14.
Strike: Section 169 in its entirety
Renumber: subsequent sections

117. Page 207, line 8.
Strike: "department"
Insert: "board"

118. Page 208, line 2.
Following: "department"
Insert: "and the board"

119. Page 208, line 4.
Strike: "department"
Insert: "board"

120. Page 208, line 15 through page 216, line 16.
Strike: Sections 173 and 174 in their entirety
Renumber: subsequent sections

121. Page 216, line 19.
Following: "**department**"
Insert: "**and board"**

122. Page 217, line 14.
Strike: "(i) shall conduct contested case hearings under this part;"
Renumber: subsequent subsections

123. Page 217, line 18.
Following: "~~part.~~"
Insert: "(2) The board shall conduct contested case hearings under this part."

124. Page 217, line 20 through page 3.
Strike: section 176 in its entirety
Renumber: subsequent sections

125. Page 222, line 12 through page 226, line 24.
Strike: section 180 in its entirety
Renumber: subsequent sections

126. Page 229, line 24.
Strike: "record"
Insert: "notify the board"

127. Page 229, line 28.

Strike: "department"
Insert: "board"

128. Page 230, line 1
Strike: "department"
Insert: "board"

129. Page 244, line 6 through page 247, line 2.
Strike: section 186 in its entirety
Renumber: subsequent sections

130. Page 248, line 6.
Strike: "department"
Insert: "board"

131. Page 248, line 6.
Following: the second "~~board~~"
Strike: "department"
Insert: "board"

132. Page 248, line 8.
Strike: "department"
Insert: "board"

133. Page 248, line 10.
Strike: "department" in two places
Insert: "board" in two places

134. Page 248, line 12.
Strike: "department"
Insert: "board"

135. Page 250, line 2 through page 255, line 10.
Strike: section 188 in its entirety
Renumber: subsequent sections

136. Page 255, line 22 through page 260, line 9.
Strike: section 190 in its entirety
Renumber: subsequent sections

137. Page 268, line 3.
Strike: "department"
Insert: "board"

138. Page 268, line 11.

Strike: "department"
Insert: "board"

139. Page 268, line 13.
Strike: "department"
Insert: "board"

140. Page 270, line 20.
Following: "may"
Strike: "thereafter"

141. Page 274, line 8 through page 277, line 22.
Strike: section 198 through section 200 in their entirety
Renumber: subsequent sections

142. Page 279, line 13 through page 281, line 8.
Strike: section 202 in its entirety
Renumber: subsequent sections

143. Page 282, line 7.
Strike: "; and"
Insert: "."

144. Page 282, line 8.
Strike: "(c)"
Insert: "(3) The board shall"

145. Page 282, line 13 through page 283, line 17.
Strike: section 205 in its entirety
Renumber: subsequent sections

146. Page 284, line 13 through page 287, line 3.
Strike: sections 207 and 208 in their entirety
Renumber: subsequent sections

147. Page 290, line 13 through page 291, line 15.
Strike: section 212 in its entirety
Renumber: subsequent sections

148. Page 291, line 19 through line 20.
Strike: lines 19 and 20 in their entirety

149. Page 291, line 26 through page 292, line 1.
Strike: section 214 in its entirety
Insert: "NEW SECTION. **Section 112. Transition.** Rulemaking authority and existing rules

under the jurisdiction of the board of environmental review are transferred to the department of environmental quality on [the effective date of this act].

NEW SECTION. **Section 208. Effective date.** [This act] is effective July 1, 2021."

And, as amended, do pass.

SB 284, do pass.
SB 348, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/24/2021
SB 199, introduced bill, be amended as follows:

1. Title, line 8.
Following: "AUTHORITY;"
Strike: "AND"

2. Title, line 9.
Following: "50-50-301,"
Strike: "81-2-101,"

3. Title, line 11.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 2, line 21.
Following: "gathering;"
Strike: "or"

5. Page 2, line 22.
Following: "social"
Insert: "; or
(i) youth or adult outdoor club or sporting event"

6. Page 3, line 10.
Following: "21,"
Strike: "or"
Following: "22"
Insert: ", or 23"

7. Page 3, line 24.
Following: "products"
Strike: "sold pursuant to [sections 1 through 3] must be"

8. Page 3, line 25.

Following: "establishment"
Insert: "may not be used in preparation of homemade food"

9. Page 3, line 27.
Following: "year"
Insert: "except that the producer is subject to the requirements of 9 CFR 381. The poultry or poultry products must not be adulterated or misbranded"

10. Page 8, line 5 through line 12.
Strike: section 10 in its entirety
Renumber: subsequent sections

11. Page 10, line 1.
Following: "(1)(f)"
Insert: "as those relate to the licensure, permitting, certification, packaging, labeling, or inspection that pertains to the preparation, serving, use, consumption, delivery, or storage of homemade food or a homemade food product"

12. Page 12, line 8.
Following: "[section 3]"
Insert: "except that the producer is subject to the requirements of 9 CFR 381"

13. Page 19, line 28.
Strike: "The"
Insert: "Except as provided in 81-22-303, the"

14. Page 20, line 21.
Strike: "not sample, test, or retest"
Insert: "require a sample, test, or retest every 6 months for standard plate count, coliform count, and somatic cell count of"

15. Page 20, line 22.
Following: "through 3]."
Insert: "A small dairy shall maintain records of all previous samples, tests, or retests, which must be provided to the department if the department suspects the small dairy is causing a foodborne illness."

16. Page 25.
Following: line 26
Insert: "NEW SECTION. **Section 34. {standard} Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass.

SB 204, do pass.

SB 236, do pass.
SB 250, introduced bill, be amended as follows:
1. Page 1, line 11.
Strike: "physician licensed under this chapter"
Insert: "person licensed or certified under this title to provide health care"

2. Page 1, line 22 through page 2, line 4.
Strike: section 2 in its entirety
Renumber: subsequent sections

3. Page 2, line 6.
Following: "**instruction.**"
Strike: "(1)"

4. Page 2, line 7.
Following: the first "chapter"
Strike: "3"
Insert: "2"

5. Page 2, line 7.
Following: the second "chapter"
Strike: "3"
Insert: "2"

6. Page 2, line 8 through line 9.
Strike: subsection (2) in its entirety

And, as amended, do pass.

SB 332, do pass.

STATE ADMINISTRATION (Kary, Chair): 2/24/2021
SB 224, introduced bill, be amended as follows:

1. Title, line 8.
Following: "CONTRIBUTION;"
Insert: "REVISING REPORTING DEADLINES AND REQUIREMENTS; PROVIDING CERTAIN REPORTING EXCEPTIONS; REVISING INCIDENTAL COMMITTEE FILING REQUIREMENTS;"

2. Title, line 11.
Following: "13-1-101"
Insert: ","
Strike: "AND"
Insert: "13-37-226,"

3. Title, line 11.
Following: "13-37-229"
Insert: ", AND 13-37-232"

4. Page 9.
Following: line 21
Insert: "**Section 2.** Section 13-37-226, MCA, is amended to read:
"**13-37-226. Time for filing reports.** (1) Except as provided in 13-37-206 and 13-37-225(3), a candidate shall file reports required by 13-37-225(1)(a) containing the information required by 13-37-229, 13-37-231, and 13-37-232 as follows:
(a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that the candidate expects to be on the ballot and ending in the final quarter of the year preceding the year of an election in which the candidate participates;
(b) the 20th day of March, April, May, June, August, September, October, and November in the year of an election in which the candidate participates;
(c) within 2 business days of receiving a contribution of ~~$100~~ $250 or more if the candidate is a candidate for a statewide office or $125 or more for any other candidate if the contribution is received between the 15th day of the month preceding an election in which the candidate participates and the day ~~of~~ before the election;
(d) within 2 business days of making an expenditure of ~~$100~~ $250 or more if the candidate is a candidate for statewide office or $125 or more for any other candidate if made between the 15th day of the month preceding an election in which the candidate participates and the day ~~of~~ before the election;
(e) semiannually on the 10th day of March and September, starting in the year following an election in which the candidate participates until the candidate files a closing report as specified in 13-37-228(3); and
(f) as provided by subsection (3).
(2) Except as provided in 13-37-206, 13-37-225(3), and 13-37-227, a political committee shall file reports required by 13-35-225(1)(a) containing the information required by 13-37-229, 13-37-231, and 13-37-232 as follows:
(a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in which the political committee receives a contribution or makes an expenditure after an individual becomes a candidate or an issue becomes a ballot issue, as defined in 13-1-101(6)(b), and ending in the final quarter of the year preceding the year in which the candidate or the ballot issue appears on the ballot;
(b) the 30th day of March, April, May, June, August, September, October, and November in the year of an election in which the political committee participates;
(c) within 2 business days of receiving a contribution, except as provided in 13-37-232, of $500 or more if received between the 25th day of the month before an election in which the political committee participates and the day ~~of~~ before the election; and
(d) within 2 business days of making an expenditure of $500 or more that is made between the 25th day of the month before an election in which the political committee participates and the day ~~of~~ before the election;

(e) quarterly, due on the 5th day following a calendar quarter, beginning in the calendar quarter following a year of an election in which the political committee participates until the political committee files a closing report as specified in 13-37-228(3); and
(f) as provided by subsection (3).
(3) In addition to the reports required by subsections (1) and (2), if a candidate or a political committee participates in a special election, the candidate or political committee shall file reports as follows:
(a) a report on the 60th, 35th, and 12th days preceding the date of the special election; and
(b) 20 days after the special election.
(4) Except as provided by 13-37-206, candidates for a local office and political committees that receive contributions or make expenditures referencing a particular local issue or a local candidate shall file the reports specified in subsections (1) through (3) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign exceeds $500.
(5) A report required by this section must cover contributions received and expenditures made pursuant to the time periods specified in 13-37-228.
(6) A political committee may file a closing report prior to the date in 13-37-228(3) and after the complete termination of its contribution and expenditure activity during an election cycle.
(7) For the purposes of this section:
(a) a candidate participates in an election by attempting to secure nomination or election to an office that appears on the ballot; and
(b) a political committee participates in an election by receiving a contribution or making an expenditure." "
Renumber: subsequent sections

5. Page 11, line 22.
Following: "candidate."
Insert: "(3) (a) Neither a candidate nor a political committee is required to report the following expenditures under the 2-business-day reporting requirements in 13-37-226(1)(d) and 13-37-226(2)(d):
(i) bookkeeping expenses paid to track and ensure campaign finance compliance; and
(ii) payroll expenditures.
(b) A candidate and a political committee is not relieved of the duty to report the expenditures listed in subsection (3)(a) in the next periodic report.
(4) A candidate is not required to report contributions received from a political party committee for compensation of the personal services of another person that are rendered to the candidate if the political party committee reports the amount of contributions made to the candidate in the form of personal services."

6. Page 11.
Following: line 23
Insert: "**Section 4.** Section 13-37-232, MCA, is amended to read:
"**13-37-232. Disclosure requirements for incidental committees.** (1) <u>A combination of two or more individuals or a person other than an individual</u> <u>that</u> <u>would otherwise qualify as an incidental committee but that</u> <u>receives</u> <u>less than $250 in contributions or that makes less than</u>

$250 in expenditures does not form a political committee and is not required to file as an incidental committee.
(2) The reports required under 13-37-225 through 13-37-227 from incidental committees must disclose the following information concerning contributions to the committee that are designated by the contributor for a specified candidate, ballot issue, or petition for nomination or that are made by the contributor in response to an appeal by the incidental committee for contributions to support incidental committee election activity, including in-kind expenditures, independent expenditures, election communications, or electioneering communications:
(a) the full name, mailing address, occupation, and employer, if any, of each person who has made aggregate contributions during the reporting period for a specified candidate, ballot issue, or petition for nomination of $35 or more;
(b) for each person identified under subsection ~~(1)(a)~~ (2)(a), the aggregate amount of contributions made by that person for all reporting periods;
(c) each loan received from any person during the reporting period for a specified candidate, ballot issue, or petition for nomination, together with the full names, mailing addresses, occupations, and employers, if any, of the lender and endorsers, if any, and the date and amount of each loan;
(d) the amount and nature of debts and obligations owed to an incidental committee for a specified candidate, ballot issue, or petition for nomination in the form prescribed by the commissioner;
(e) an account of proceeds that total less than $35 per person from mass collections made at fundraising events sponsored by the incidental committee for a specified candidate, ballot issue, or petition for nomination; and
(f) the total sum of all contributions received by or designated for the incidental committee for a specified candidate, ballot issue, or petition for nomination during the reporting period.
~~(2)~~ (3) The reports required under 13-37-225 through 13-37-227 from incidental committees must disclose the following information concerning expenditures made:
(a) the full name, mailing address, occupation, and principal place of business, if any, of each person to whom expenditures have been made during the reporting period, including the amount, date, and purpose of each expenditure and the total amount of expenditures made to each person;
(b) the full name, mailing address, occupation, and principal place of business, if any, of each person to whom an expenditure for personal services, salaries, and reimbursed expenses has been made during the reporting period, including the amount, date, and purpose of that expenditure and the total amount of expenditures made to each person;
(c) the total sum of expenditures made during the reporting period;
(d) the name and address of each political committee or candidate to which the reporting committee made any transfer of funds together with the amount and dates of all transfers;
(e) the name of any person to whom a loan was made during the reporting period, including the full name, mailing address, occupation, and principal place of business, if any, of that person, and the full names, mailing addresses, occupations, and principal places of business, if any, of the endorsers, if any, and the date and amount of each loan;
(f) the amount and nature of debts and obligations owed by a political committee in the form prescribed by the commissioner; and
(g) other information that may be required by the commissioner to fully disclose the disposition of funds used to make expenditures.

~~(3)~~ (4) Reports of expenditures made to a consultant, advertising agency, polling firm, or other person that performs services for or on behalf of an incidental committee must be itemized and described in sufficient detail to disclose the specific services performed by the entity to which payment or reimbursement was made.
~~(4)~~ (5) An incidental committee that does not receive contributions for a specified candidate, ballot issue, or petition for nomination and that does not solicit contributions for incidental committee election activity, including in-kind expenditures, independent expenditures, election communications, or electioneering communications, is required to report only its expenditures."
"

Renumber: subsequent section

And, as amended, do pass.

SB 226, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 25, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Blasdel:

On Tuesday, February 23, 2021, I signed the following bills:

Senate Bill 21 - McClafferty
Senate Bill 24 - Salomon

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/24/2021

HB 115, introduced by B. Mercer
HB 188, introduced by D. Loge
HB 201, introduced by K. Holmlund
HB 231, introduced by M. Regier
HB 280, introduced by M. Regier
HB 285, introduced by J. Trebas
HB 318, introduced by K. Holmlund
HB 341, introduced by M. Regier
HB 353, introduced by S. Gunderson
HB 368, introduced by S. Greef
HB 379, introduced by S. Vinton
HB 386, introduced by S. Gist
HB 398, introduced by D. Lenz
HB 426, introduced by D. Lenz

House joint resolution passed and transmitted to the Senate for concurrence: 2/24/2021

HJ 7, introduced by C. Knudsen

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 372, introduced by E. McClafferty, referred to Highways and Transportation.
SB 373, introduced by D. Sands, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 115, introduced by B. Mercer, D. Skees, T. McGillvray, M. Lang, B. Usher, M. Stromswold, C. Friedel, referred to Judiciary.
HB 188, introduced by D. Loge, referred to Highways and Transportation.
HB 201, introduced by K. Holmlund, L. Jones, F. Garner, T. Welch, M. Hopkins, J. Dooling, K. Bogner, D. Bedey, B. Ler, B. Phalen, J. Schillinger, K. Whitman, referred to Business, Labor, and Economic Affairs.
HB 231, introduced by M. Regier, referred to Public Health, Welfare and Safety.
HB 280, introduced by M. Regier, referred to Public Health, Welfare and Safety.
HB 318, introduced by K. Holmlund, D. Salomon, D. Bartel, J. Dooling, D. Bedey, K. Whitman, referred to Agriculture, Livestock and Irrigation.
HB 341, introduced by M. Regier, referred to Public Health, Welfare and Safety.
HB 353, introduced by S. Gunderson, referred to Fish and Game.
HB 368, introduced by S. Greef, referred to Judiciary.
HB 379, introduced by S. Vinton, R. Knudsen, L. Brewster, referred to Business, Labor, and Economic Affairs.

HB 386, introduced by S. Gist, D. Skees, J. Read, M. Lang, W. Curdy, V. Ricci, S. Gunderson, D. Loge, M. Hopkins, D. Harvey, J. Kassmier, S. Greef, B. Ler, K. Zolnikov, P. Fielder, E. Hill, J. Schillinger, C. Hinkle, S. Novak, G. Frazer, M. Binkley, R. Marshall, referred to Judiciary.
HB 398, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
HB 426, introduced by D. Lenz, referred to Public Health, Welfare and Safety.

The following House bill was introduced and read first time:

HB 285, introduced by J. Trebas, G. Vance, M. Blasdel, C. Glimm, W. Galt, S. Berglee, B. Brown, C. Knudsen, J. Small, J. Ellsworth, K. Bogner, J. Kassmier, K. Zolnikov, M. Stromswold, C. Hinkle, R. Marshall, referred to Committee of the Whole.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 7, introduced by C. Knudsen, S. Fitzpatrick, R. Osmundson, J. Windy Boy, K. Regier, M. Blasdel, M. Lang, W. Galt, S. Berglee, J. Hinkle, S. Hinebauch, R. Fitzgerald, L. Sheldon-Galloway, S. Vinton, R. Tempel, J. Ellsworth, R. Knudsen, T. Running Wolf, B. Ler, B. Phalen, K. Zolnikov, E. Hill, J. Schillinger, M. Stromswold, referred to Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Bogner in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 72 - Senator Howard moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 72**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.

Total 1

Absent or not voting: None.
Total 0

SR 77 - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 77**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SR 78 - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 78**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.

Total 0

SR 79 - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 79**. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boldman, Cohenour, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 16

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SR 80 - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 80**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

HB 136 - Senator K. Regier moved **HB 136** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

HB 171 - Senator Manzella moved **HB 171** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

HB 140 - Senator K. Regier moved **HB 140** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

HB 167 - Senator McGillvray moved **HB 167** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 8 - Senator K. Regier moved **SJ 8** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 20

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 240 - Senator Manzella moved **SB 240** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 286 - Senator Hinebauch moved **SB 286** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Tempel.
Total 1

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 294 - Senator Esp moved **SB 294** do pass.

SB 294 - Senator Esp moved **SB 294** , second reading copy, be amended as follows:

1. Title, line 7.
Following: "DATE"
Insert: "AND AN APPLICABILITY DATE"

2. Page 1, line 14.
Strike: "15%"
Insert: "20%"

3. Page 3.
Following: line 10
Insert: "NEW SECTION. Section 5. Applicability. [This act] applies to zoning districts created pursuant to Title 76, chapter 2, part 2, on or after January 1, 2021."

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 294 - As amended, **SB 294** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 45

Nays: Flowers, Pomnichowski, Pope, Sands, Webber.
Total 5

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Bogner moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney.
Total 17

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/25/2021
SB 234, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "A DELAYED"
Insert: "AN IMMEDIATE"

2. Page 1, line 15.

Following: "utilize a"
Insert: "government or"

3. Page 1, line 17.
Following: "check"
Strike: "federal,"

4. Page 1, line 24 through line 26.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

5. Page 2, line 10.
Strike: "new hire records"
Insert: "the unemployment insurance rolls"

6. Page 2, line 10.
Strike: "directorate"
Insert: "directory"

7. Page 2, line 23.
Strike: "January 1, 2022"
Insert: "on passage and approval"

And, as amended, do pass.

SB 251, introduced bill, be amended as follows:

1. Page 3, line 18.
Following: "(1)"
Insert: "(a)"

2. Page 3.
Following: line 20
Insert: "(b) This section does not modify duties owed in accordance with 33-18-201."

3. Page 4, line 15.
Strike: "Evidence"
Insert: "Subject to subsection (6), evidence"

4. Page 5.
Following: line 22
Insert: "(6) A health care provider may not attempt to recover more than the amounts allowed as damages under this section from a plaintiff."

And, as amended, do pass.

SB 278, do pass**.**

TAXATION (Hoven, Chair): 2/25/2021
SB 253, do pass.
SB 262, introduced bill, be amended as follows:

1. Title, line 6.
Following: "FOR"
Insert: "FULL"
Following: "AND"
Insert: "RECOMMENDATION OF"

2. Title, line 6.
Following: "CHANGES"
Strike: "OF"
Insert: "TO"

3. Title, line 7.
Following: "VALUATIONS;"
Strike: "PROVIDING RULEMAKING AUTHORITY;"

4. Page 1, line 13.
Following: "**zones**"
Strike: **"-- rulemaking"**

5. Page 3, line 3 through line 4.
Strike: "or" on line 3 through "committee" on line 4

6. Page 3, line 23.
Following: "attained;"
Strike: "and"

7. Page 3, line 24.
Following: "department"
Insert: "; and
(vi) report biennially on committee activity, in accordance with 5-11-210, to the revenue interim committee provided for in 5-5-227"

8. Page 3, line 26.
Following: "reviewing"
Strike: "and establishing"

9. Page 3, line 28.
Following: "department to"
Strike: ":"

Insert: "fulfill the requirements of the committee as outlined in subsection (10)(c) and bring forward updates to the revenue interim committee and any recommended changes to the 2023 legislature. If the committee does not meet, the department or the committee shall inform the revenue interim committee."

10. Page 4, line 1 through line 13.
Strike: subsections (a) through (e) in their entirety

11. Page 4, line 14 through line 15.
Strike: subsection 12 in its entirety

And, as amended, do pass.

HB 129, be amended as follows:

1. Title, line 5.
Following: "ACT;"
Strike: "LIMITING MONTANA TAX BENEFITS TO THE MONTANA FAMILY EDUCATION SAVINGS PROGRAM;

2. Title, line 6.
Strike: "K-12 TUITION, CERTAIN"
Insert: "ANY"

3. Title, line 6 through line 7.
Strike: "FOR" on line 6 through "LOANS" on line 7
Insert: "PERMITTED UNDER SECTION 529 OF THE INTERNAL REVENUE CODE"

4. Page 3, line 21.
Following: "~~529(b)(1)(A)(ii),~~"
Insert: "or from a qualified tuition program established and maintained by another state as provided by section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii),"

5. Page 6, line 15.
Following: "~~529(b)(1)(A)(ii),~~"
Insert: "or to a qualified tuition program established and maintained by another state as provided by section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii),"

6. Page 9.
Following: line 17
Insert: "(7) "Education expense" means expenses for tuition, fees, books, supplies, equipment required for an education program, principal or interest on any qualified education loan, and any other typical education expense associated with an education program up the

maximum amount allowable under section 529 of the Internal Revenue Code, 26 U.S.C. 529, as amended."
Renumber: subsequent subsections

7. Page 10, line 13.
Strike: "qualified higher education expenses as defined in"
Insert: "any education expense permitted by"

8. Page 10, line 14 through line 23.
Strike: "," on line 14 through "years" on line 23

And, as amended, be concurred in.

Without objection, committee reports were adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 51 passed as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Bennett, Boland, Cohenour, Flowers, Fox, Gross, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 15

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes by Senator Boldman under Motions.

SB 154 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 43

Nays: Ellis, Gross, McClafferty, O'Brien, Pomnichowski, Sands, Webber.
Total 7

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 158 failed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Welborn, Mr. President.
Total 24

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gauthier, Gross, Jacobson, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 26

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 183 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 211 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 216 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 219 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 222 passed as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 38

Nays: Bennett, Boland, Flowers, Gross, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 12

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 223 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 29 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Fitzpatrick, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Molnar, Morigeau, Osmundson, Pomnichowski, Sales, Salomon, Small, Sweeney, Tempel, Welborn.
Total 26

Nays: Brown, Cuffe, Ellis, Ellsworth, Esp, Flowers, Fox, Friedel, Glimm, Hertz, Hinebauch, Keenan, Manzella, McClafferty, McGillvray, McNally, O'Brien, Pope, Regier K, Sands, Smith C, Vance, Webber, Mr. President.
Total 24

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 91 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 38

Nays: Boland, Cohenour, Ellis, Flowers, Gross, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 12

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 175 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

HB 143 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Senator Boldman moved to change her third-reading vote on **SB 51** from No to Yes. Without objection, so ordered.

Senator Small moved that **SB 16** be taken from the Judiciary Committee and placed on second reading tomorrow, February 26, 2021. Motion carried as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 31

Nays: Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Regier K, Smith C, Vance, Mr. President.
Total 18

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Friday, February 26, 2021, the forty-first legislative day. Motion carried.

Senate adjourned at 3:11 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FORTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 26, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Ankney excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/26/2021

Correctly printed: **SB 16**, **SB 204**, **SB 226**, **SB 236**, **SB 240**, **SB 253**, **SB 259**, **SB 277**, **SB 278**, **SB 280**, **SB 284**, **SB 286**, **SB 318**, **SB 332**, **SB 348**, **SB 372**, **SB 373**, **SJR 8**, **SR 72**, **SR 77**, **SR 78**, **SR 79**, **SR 80**, **HB 136**, **HB 140**, **HB 167**, **HB 171**.
Correctly engrossed: **SB 188**, **SB 199**, **SB 224**, **SB 233**, **SB 234**, **SB 250**, **SB 251**, **SB 262**, **SB 294**, **HB 129**.
Examined by the sponsor and found to be correct: **SB 28**, **SB 56**, **SB 70**, **SR 42**.
Transmitted to the House: **SB 29**, **SB 51**, **SB 91**, **SB 154**, **SB 175**, **SB 183**, **SB 211**, **SB 216**, **SB 219**, **SB 222**, **SB 223**, **HB 143**.
Signed by the Secretary of the Senate at 4:30 p.m., February 25, 2021: **SR 56**, **SR 63**, **SR 65**, **SR 66**, **SR 68**, **SR 70**, **SR 71**.
Signed by the President at 7:30 a.m., February 26, 2021: **SR 56**, **SR 63**, **SR 65**, **SR 66**, **SR 68**, **SR 70**, **SR 71**.
Signed by the Speaker at 3:46 p.m., February 25, 2021: **SB 17**, **SB 54**, **SB 74**, **SB 102**, **SB 110**.
Delivered to the Secretary of State at 4:08 p.m., February 25, 2021: **SR 69**, **SR 73**.
Delivered to the Secretary of State at 10:13 a.m., February 26, 2021: **SR 56**, **SR 63**, **SR 65**, **SR 66**, **SR 68**, **SR 70**, **SR 71**.
Delivered to the Governor for information February 25, 2021: **SR 69**, **SR 73**.
Delivered to the Governor for information February 26, 2021: **SR 56**, **SR 63**, **SR 65**, **SR 66**, **SR 68**, **SR 70**, **SR 71**.
Delivered to the Governor for signature at 4:11 p.m., February 25, 2021: **SB 17**, **SB 54**, **SB 74**, **SB 102**, **SB 110**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Lang, Chair): 2/25/2021
SB 270, introduced bill, be amended as follows:

1. Page 1, line 10 through line 11.
Strike: "northeast" on line 10 through "Helena" on line 11
Insert: "regional land offices"

And, as amended, do pass.

SB 307, do pass.
SJ 11, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/25/2021
SB 87, introduced bill, be amended as follows:

1. Title, line 5 through line 7.
Strike: "PROVIDING" on line 5 through "LOCATED;" on line 7

2. Title, line 7.
Strike: "PUMPING"
Insert: "CONVEYANCE"

3. Title, line 7 through line 8.
Strike: the first "AND" on line 7 through "COSTS" on line 8

4. Title, line 9.
Following: "REMEDIATION;"
Strike: "PROVIDING DEFINITIONS;"

5. Page 1, line 14 through page 2, line 3.
Strike: section 1 in its entirety
Renumber: subsequent sections

6. Page 5, line 12 through line 13.
Strike: section 4 in its entirety
Renumber: subsequent sections

And, as amended, do pass.

SB 213, do pass.
SB 291, do pass.
SB 292, introduced bill, be amended as follows:

1. Page 1.
Following: line 10
Insert: "NEW SECTION. **Section 1. Definition.** As used in [sections 1 through 5], unless the context clearly indicates otherwise, "utility" means a public utility regulated by the commission pursuant to this chapter."
Renumber: subsequent sections

2. Page 1, line 16.
Strike: "2"

Insert: "3"

3. Page 2, line 3.
Strike: "1"
Insert: "2"

4. Page 2, line 3.
Strike: "3"
Insert: "4"

5. Page 2, line 16.
Strike: "1"
Insert: "2"

6. Page 2, line 21.
Strike: "1"
Insert: "2"

7. Page 2, line 21.
Strike: "3"
Insert: "4"

8. Page 4, line 24.
Strike: "2(6)"
Insert: "3(6)"

9. Page 4, line 27.
Strike: "4"
Insert: "5"

10. Page 4, line 28.
Strike: "4"
Insert: "5"

11. Page 5, line 2.
Strike: "4"
Insert: "5"

12. Page 5, line 4.
Strike: "4"
Insert: "5"

13. Page 5, line 7.
Strike: "4"
Insert: "5"

14. Page 5, line 9.
Strike: "4"
Insert: "5"

And, as amended, do pass.

FISH AND GAME (Hinebauch, Chair): 2/25/2021
SB 267, do pass.
SB 314, do pass.
SB 327, do pass.
SB 337, do pass.
SB 354, do pass.
SJ 18, do pass.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/25/2021
SB 274, do pass.
SB 300, introduced bill, be amended as follows:

1. Title, line 11.
Following: "COURSE;"
Insert: "ALLOWING A TEMPORARY OPPORTUNITY FOR A STUDENT TO OBTAIN A LEARNER LICENSE AFTER TAKING AN ONLINE TRAFFIC EDUCATION COURSE DUE TO THE COVID-19 PANDEMIC;"

2. Title, line 11.
Following: "20-7-502,"
Insert: ","
Strike: "AND"

3. Title, line 11.
Following: "20-7-503,"
Insert: "AND 61-5-106,"
Following: "AN"
Insert: "IMMEDIATE"
Following: "DATE"
Insert: "AND A TERMINATION DATE"

4. Page 2.
Following: line 25
Insert: "**Section 3.** Section 61-5-106, MCA, is amended to read:
"**61-5-106. Instruction permits -- temporary driver's permits.** (1) (a) The department may issue a learner license, which is valid for 1 year from the date of issuance, to a person satisfying the age requirements specified in 61-5-105(1) after the applicant has successfully passed the knowledge test and the vision examination, as provided in 61-5-110. Except as provided in subsections (1)(b) and (1)(c), a learner license entitles the licensee, while in immediate

possession of the license and accompanied by a licensed driver seated beside the licensee, to drive a motor vehicle other than a motorcycle upon the public highways.

(b) If the licensee is under 18 years of age, the driver supervising the licensee must be a parent or a legal guardian of the licensee or, with the permission of the licensee's parent or legal guardian, a licensed driver 18 years of age or older. Each occupant of a motor vehicle driven by a licensee who is under 18 years of age shall wear a properly adjusted and fastened seatbelt or, if 61-9-420 applies, must be properly restrained in a child safety restraint.

(c) A person holding a learner license for a motorcycle may drive a motorcycle upon a public highway if the person is not carrying a passenger, has immediate possession of the license, and is under the immediate and proximate visual supervision of one of the following persons, who must be at least 18 years of age if the licensee is under 18 years of age:

(i) a motorcycle-endorsed licensed driver who is riding with the licensee and who is operating a separate motorcycle or other motor vehicle; or

(ii) a licensed driver who is operating a separate motor vehicle if the licensee has successfully completed a motorcycle safety training course through a cooperative driver testing program certified under 61-5-110.

(2) (a) The department may issue a learner license, which is valid for 1 year from the date of issuance, to any person who is at least 14 1/2 years of age and who has successfully completed or is successfully participating in a traffic education course approved by the department and the superintendent of public instruction and that is available to all who meet the age requirements specified in 20-7-503 and reside within the geographical boundaries of or attend a school in the school district that offers the course. A learner license entitles the licensee to operate a motor vehicle when accompanied by an approved instructor, a licensed parent or guardian, or other driver as provided in subsection (1)(b) and may be restricted to specific times or areas.

(b) A person who meets the age requirements established in subsection (2)(a) and was unable to participate in a traffic education course as a result of the covid-19 pandemic must be allowed to test for and receive a learner license upon showing proof of completion of an online traffic education course.

(3) (a) An instructor of a traffic education program approved by the department and by the superintendent of public instruction may issue a traffic education permit that is effective for a school year or more restricted period to an applicant who is enrolled in a traffic education program approved by the department and who meets the age requirements specified in 20-7-503.

(b) When in immediate possession of the traffic education permit, the permittee may operate on a designated highway or within a designated area:

(i) a motor vehicle when an approved instructor is seated beside the permittee; or

(ii) a motorcycle or quadricycle when under the immediate and proximate supervision of an approved instructor.

(4) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The temporary driver's permit must be in the permittee's immediate possession while operating a motor vehicle, and it is invalid when the applicant's license has been issued or for good cause has been refused.

(5) The department may in its discretion issue a temporary commercial driver's license to an applicant permitting the applicant to operate a commercial motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a commercial driver's license. The temporary license must be in the applicant's immediate possession while operating a commercial motor vehicle and is invalid when the applicant's license has been issued or for good cause has been refused.
(6) The department may in its discretion issue a temporary medical assessment and rehabilitation driving permit, as provided in 61-5-120.""
Renumber: subsequent sections

5. Page 2, line 26.
Strike: section 3 in its entirety
Insert: "NEW SECTION. **Section 4.** {standard} **Effective date**. [This act] is effective on passage and approval.
NEW SECTION. **Section 5. Termination**. [Section 3] terminates June 30, 2021."

And, as amended, do pass.

NATURAL RESOURCES (Welborn, Chair): 2/24/2021
SB 302, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 26, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Blasdel:

On Friday, February 23, I signed the following Senate Bills:

Senate Bill 104 - Welborn
Senate Bill 68 - Fitzpatrick
Senate Bill 66 - Fitzpatrick
Senate Bill 41 - Webber
Senate Bill 26 - Gillespie
Senate Bill 27 - Gillespie
Senate Bill 3 - Small

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/25/2021

HB 50, introduced by F. Garner
HB 244, introduced by D. Lenz
HB 255, introduced by L. Brewster
HB 277, introduced by B. Mercer
HB 362, introduced by R. Fitzgerald
HB 380, introduced by K. Seekins-Crowe
HB 393, introduced by J. Gillette
HB 401, introduced by S. Galloway
HB 407, introduced by M. Noland
HB 416, introduced by D. Lenz
HB 427, introduced by J. Fuller
HB 429, introduced by L. Jones
HB 430, introduced by K. Whitman
HB 436, introduced by S. Kerns
HB 439, introduced by S. Galloway
HB 451, introduced by R. Farris-Olsen

House joint resolution passed and transmitted to the Senate for concurrence: 2/25/2021

HJ 9, introduced by R. Marshall

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill, previously introduced was referred to committee:

SB 139, introduced by M. Cuffe, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 50, introduced by F. Garner (by request of the Legislative Finance Committee), referred to Energy and Telecommunications.
HB 244, introduced by D. Lenz, referred to Judiciary.
HB 255, introduced by L. Brewster, V. Ricci, J. Patelis, J. Kassmier, A. Regier, K. Seekins-Crowe,

M. Stromswold, K. Whitman, referred to Local Government.
HB 277, introduced by B. Mercer, L. Jones, G. Custer, W. McKamey, M. Regier, D. Bartel, B. Usher, S. Vinton, J. Dooling, T. Moore, D. Bedey, L. Reksten, J. Gillette, M. Bertoglio, referred to State Administration.
HB 362, introduced by R. Fitzgerald, F. Garner, referred to State Administration.
HB 380, introduced by K. Seekins-Crowe, D. Skees, J. Read, D. Kary, T. McGillvray, D. Howard, C. Smith, D. Ankney, B. Molnar, C. Glimm, D. Lenz, B. Brown, J. Hinkle, T. Manzella, V. Ricci, B. Tschida, S. Hinebauch, S. Gunderson, D. Bartel, B. Usher, J. Patelis, S. Vinton, F. Fleming, . Duram, J. Fuller, . Knudsen, B. Mercer, T. Moore, B. Ler, F. Nave, L. Brewster, K. Zolnikov, B. Mitchell, A. Regier, P. Fielder, S. Galloway, S. Gist, E. Hill, M. Stromswold, C. Hinkle, C. Friedel, referred to Judiciary.
HB 393, introduced by J. Gillette, referred to Judiciary.
HB 401, introduced by S. Galloway, J. Read, S. Fitzpatrick, M. Blasdel, G. Hertz, S. Berglee, F. Garner, L. Sheldon-Galloway, J. Trebas, B. Usher, J. Patelis, J. Fuller, J. Kassmier, T. Moore, B. Phalen, F. Nave, L. Brewster, A. Regier, S. Gist, E. Hill, J. Schillinger, M. Malone, J. Gillette, C. Hinkle, M. Binkley, R. Marshall, referred to Judiciary.
HB 407, introduced by M. Noland, referred to Business, Labor, and Economic Affairs.
HB 416, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
HB 427, introduced by J. Fuller, B. Tschida, referred to Judiciary.
HB 429, introduced by L. Jones, D. Salomon, D. Bedey, referred to State Administration.
HB 430, introduced by K. Whitman, E. Buttrey, F. Garner, K. Holmlund, V. Ricci, D. Loge, J. Patelis, S. Vinton, T. Welch, M. Hopkins, J. Fuller, J. Dooling, B. Mercer, S. Greef, B. Phalen, L. Brewster, S. Galloway, E. Hill, M. Malone, M. Binkley, referred to Judiciary.
HB 436, introduced by S. Kerns, S. Berglee, J. Hinkle, B. Usher, C. Hinkle, referred to Judiciary.
HB 439, introduced by S. Galloway, E. Buttrey, S. Fitzpatrick, D. Kary, K. Regier, M. Blasdel, D. Ankney, B. Keenan, G. Hertz, W. Galt, F. Garner, M. Noland, B. Tschida, S. Hinebauch, C. Knudsen, B. Usher, S. Vinton, B. Mercer, B. Ler, F. Nave, K. Zolnikov, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, C. Hinkle, M. Binkley, referred to Judiciary.
HB 451, introduced by R. Farris-Olsen, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 9, introduced by R. Marshall, J. Fuller, D. Bedey, C. Hinkle, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hertz in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 9 - Majority Leader Smith moved consideration of **SJ 9** be placed at the bottom of the

second reading board. Without objection, so ordered.

SR 75 - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 75**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Gross.
Total 1

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 10 - Senator Small moved **SJ 10** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Webber, Welborn, Mr. President.
Total 48

Nays: Tempel, Vance.
Total 2

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 192 - Senator Osmundson moved **SB 192** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 6 - Senator Ellis moved **SJ 6** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 46

Nays: Glimm, Howard, Keenan, Vance.
Total 4

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 249 - Senator Lang moved **SB 249** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: Manzella.
Total 1

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 258 - Senator Small moved **SB 258** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 260 - Senator Fitzpatrick moved **SB 260** do pass.

SB 260 - Senator Fitzpatrick moved **SB 260**, second reading copy, be amended as follows:

1. Page 3, line 6.
Following: "GROWING,"
Insert: "manufacturing,"
Following: "marijuana"
Insert: "or marijuana products"

Amendment **adopted** as follows:

Yeas: Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Sands, Webber.
Total 15

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 260 - As amended, **SB 260** passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 265 - Senator Fitzpatrick moved **SB 265** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 17

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 266 - Senator Fitzpatrick moved **SB 266** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Webber.
Total 16

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 230 - Senator Lang moved **SB 230** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 247 - Senator Boldman moved **SB 247** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gross, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 41

Nays: Gillespie, Glimm, Hinebauch, Howard, Keenan, McGillvray, O'Brien, Regier K, Smith C.
Total 9

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 248 - Senator Boldman moved **SB 248** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Sales, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 43

Nays: Esp, Glimm, Howard, Kary, Pope, Regier K, Salomon.
Total 7

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

Senator Cuffe excused at this time.

SB 16 - Senator Gross moved **SB 16** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 31

Nays: Ankney, Ellsworth, Esp, Fitzpatrick, Friedel, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 18

Voted absentee: Ankney, No.

Excused: Ankney.
Total 1

Absent or not voting: Cuffe.
Total 1

Senator Blasdel reassumed the chair.

SJ 9 - Senator Hertz moved **SJ 9** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: Cuffe.
Total 1

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee

arose. Senate resumed. President Blasdel presiding.

Chair Hertz moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 133 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 37

Nays: Bennett, Boland, Boldman, Cohenour, Fox, Gross, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 13

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.

Total 0

SB 240 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 286 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 8 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie,

Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

HB 136 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

HB 140 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch,

McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 20

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

HB 167 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 20

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

HB 171 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/26/2021
SB 273, do pass.
SB 275, introduced bill, be amended as follows:

1. Page 7, line 6.
Strike: "and"
Insert: "or"

2. Page 8.
Following: line 4
Insert: "(g) as provided for in 37-47-345, investigate violations of 37-47-301(1) and (2) and 37-47-404;"
Renumber: subsequent subsections

And, as amended, do pass.

SB 297, do pass.
SB 301, do pass.
SB 316, introduced bill, be amended as follows:

1. Title, line 5.
Following: "FOR"
Insert: "CONSTRUCTION REPAIRS AND PROPERTY"
Following: "RESTORATION;"
Insert: "REVISING THE MONTANA CONTAMINATED PROPERTY AND RESTORATION ACT;"

2. Title, line 6.
Following: the first "FOR"
Insert: "CONSTRUCTION REPAIRS AND"

3. Title, line 7.
Following: "ESCROW"
Insert: "OR TRUST ACCOUNTS"

4. Title, line 9.
Following: the first "AN"

Insert: "IMMEDIATE EFFECTIVE DATE AND AN"

5. Page 1, line 16.
Strike: "restoration"
Insert: "construction repair"

6. Page 1, line 17.
Strike: "$25,000"
Insert: "$100,000"

7. Page 1, line 17.
Strike: "restoration"
Insert: "construction repair"

8. Page 1, line 19.
Following: "part"
Insert: ":
(a)"

9. Page 1, line 20.
Following: "statute"
Insert: "; or
(b) may be construed to create a private cause of action"

10. Page 1, line 23.
Strike: "restoration"
Insert: "construction repair"

11. Page 1, line 25 through line 27.
Strike: subsections (a) through (b) in their entirety
Renumber: subsequent subsections

12. Page 1, line 28.
Following: "a"
Insert: "building,"
Following: "structure"
Insert: ","

13. Page 2, line 2.
Following: "land"
Insert: "caused by a damaged building, structure, or fixture"

14. Page 2, line 12.
Strike: "**restoration"**
Insert: "**construction repair"**

15. Page 2, line 12.
Following: "**escrow**"
Insert: "**or trust"**

16. Page 2, line 13.
Strike: "restoration"
Insert: "construction repair"

17. Page 2, line 14.
Strike: "restoration" in two places
Insert: "construction repair" in two places

18. Page 2, line 15 through line 17.
Strike: subsections (a) in its entirety
Renumber: subsequent subsections

19. Page 2, line 18.
Strike: "paying the costs outlined in subsection (1)(a)"
Insert: "receiving the money for construction repair damages and after deducting any outstanding attorney fees and costs of litigation owed"

20. Page 2, line 18.
Strike: "restoration"
Insert: "construction repair"

21. Page 2, line 19.
Following: the first "escrow"
Insert: "or a trust account"
Following: the second "escrow"
Insert: "or trust account"

22. Page 2, line 20.
Strike: "restore the property"
Insert: "repair the building, structure, or fixture"

23. Page 2, line 21.
Following: "escrow"
Insert: "or trust"

24. Page 2, line 21.
Strike: "remedial and corrective action"
Insert: "repairs"

25. Page 2, line 22.

Strike: "contamination"
Insert: "condition"

26. Page 2, line 24.
Strike: "remedial and corrective action"
Insert: "repairs"

27. Page 2, line 26.
Strike: "Remedial and corrective action"
Insert: "Repairs"

28. Page 2, line 27.
Strike: "restoration or remediation"
Insert: "repair"

29. Page 2, line 28.
Strike: "is offered by the party seeking restoration"
Insert: "served as the basis for the award or settlement of construction repair"

30. Page 2, line 28.
Strike: "restoration"
Insert: "repair"

31. Page 3, line 3.
Strike: "and remediation or corrective action is not"
Insert: "before repairs are"

32. Page 3, line 3.
Following: "escrow"
Insert: "or trust"

33. Page 3, line 4.
Following: "complete."
Insert: "The funds must be held in escrow or trust and used in accordance with this section."

34. Page 3, line 5.
Strike: "When"
Insert: "After all"

35. Page 3, line 5.
Following: "escrow"
Insert: "or trust account"

36. Page 3, line 5 through line 6.
Strike: "remedial" on line 5 through "property" on line 6
Insert: "construction repairs"

37. Page 3, line 6.
Following: "escrow"
Insert: "or trust"

38. Page 3, line 7.
Following: "escrow"
Insert: "or trust"

39. Page 3, line 8.
Following: "overseeing the"
Insert: "escrow or"
Following: "trust"
Strike: "to request the return of the funds, who may"
Insert: "account. The qualified professional shall"

40. Page 3, line 9.
Following: "funds"
Insert: "to the property owner"

41. Page 3, line 9.
Strike: "remediation or corrective action"
Insert: "construction repairs"

42. Page 3, line 9.
Strike: "has"
Insert: "have"

43. Page 3, line 10.
Following: "section."
Insert: "(6) (a) A defendant, an insurer, or an attorney representing a defendant or an insurer has no duty to ensure funds are used in accordance with this section.
(b) After the funds are placed in an escrow or trust account, an attorney representing a property owner has no duty to ensure funds are used in accordance with this section."

44. Page 3.
Following: line 14
Insert: "
NEW SECTION. **Section 5.** {standard} **Saving clause**. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 6.** {standard} **Effective date**. [This act] is effective on passage and approval. "
Renumber: subsequent sections

45. Page 3, line 15 through line 16.
Strike: "October" on line 15 through "2021" on line 16
Insert: "[the effective date of this act]"

And, as amended, do pass.

FINANCE AND CLAIMS (Osmundson, Chair): 2/26/2021
SB 100, do pass.
SB 159, do pass.

JUDICIARY (Regier, Chair): 2/26/2021
SB 283, introduced bill, be amended as follows:

1. Title, line 5 through line 6.
Strike: "MAKING" on line 5 through "DISCRETIONARY;" on line 6
Insert: "CLARIFYING WHAT MODIFYING THE REQUIREMENT FOR EXPULSION MEANS;"

2. Title, line 8 through line 9.
Strike: "PROVIDING" on line 8 through "EMPLOYMENT;" on line 9

3. Page 2, line 4.
Strike: "decrease the length of the"
Insert: "modify the requirement for"

4. Page 2, line 4.
Following: "student"
Insert: ", up to and including eliminating the requirement for expulsion,"

5. Page 2, line 12.
Following: "prior to"
Insert: "a"

6. Page 2, line 13.
Following: "is"
Strike: "probable"

7. Page 2, line 23.
Strike: "an evidentiary"
Insert: "a"

8. Page 2, line 26.
Strike: "evidentiary"

9. Page 3, line 1.

Strike: "an evidentiary"
Insert: "a due process"

10. Page 3, line 1 through line 3.
Following: "hearing"
Strike: ". The" on line 1 through "hearing," on line 3
Insert: "that includes presentation of a summary of the information leading to the allegations and an opportunity for the student to respond to the allegations. The student may not be expelled unless"

11. Page 3, line 3 through line 4.
Strike: "by a" on line 3 through "evidence" on line 4

12. Page 3, line 6.
Strike: "an evidentiary"
Insert: "a"

13. Page 3, line 11.
Strike: "apply to"
Insert: "require expulsion of"

14. Page 3, line 16.
Following: "(a)"
Strike: "(i)"

15. Page 3, line 17 through line 22.
Strike: subsection (ii) in its entirety

16. Page 3, line 24.
Following: "home, a"
Insert: "locked"

And, as amended, do pass.

SB 290, do pass.
SB 338, do pass.

TAXATION (Hoven, Chair): 2/25/2021
SB 212, introduced bill, be amended as follows:

1. Page 2, line 11 through line 17.
Strike: subsection (b) in its entirety
Insert: "(b) (i) The department of revenue, with the support of the department of administration, shall provide to county treasurers information on:
(A) the consumer price index adjusted for population and the average annual growth rate of

Montana personal income; and
(B) estimated property taxes levied over the previous 10 years by the state, the county, and any incorporated cities or towns within the county.
(ii) The county treasurer shall include the information received from the department of revenue pursuant to subsection (2)(b)(i) with the written notice."

And, as amended, do pass.

SB 214, do pass.
SB 263, introduced bill, be amended as follows:

1. Page 1, line 20.
Strike: "0.33%"
Insert: "0.31%"

And, as amended, do pass.

SB 288, do pass.
HB 303, be concurred in.
HJ 5, do pass.

Without objection, committee reports were adopted.

MOTIONS

Majority Leader Smith moved to re-refer **SB 249** to the Finance and Claims Committee then withdrew his motion.

Majority Leader Smith moved to **suspend Senate Rules** 40-40, 40-60, 50-190, and Joint Rule 40-150 until the forty-sixth legislative day. Without objection, so ordered.

Senator Sweeney moved that **SB 187** be taken from the Business, Labor and Economic Affairs Committee, and placed on second reading tomorrow, February 27, 2021, Motion **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

Senator Molnar moved to change his vote on the **SB 187** blast motion from Yes to No. Without objection, so ordered. The preceding vote count reflects the change of vote.

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 328**. Without objection, so ordered.

SB 328 (D. Ankney, Chief Sponsor)
Senator J. Welborn
Senator J. Small.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 8:00 a.m., Saturday, February 27, 2021, the forty-second legislative day. Motion carried.

Senate adjourned at 3:07 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FORTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 27, 2021 — State Capitol

Senate convened at 8:00 a.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Ankney and Jacobson, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/27/2021

Correctly printed: **SB 16**, **SB 100**, **SB 159**, **SB 192**, **SB 213**, **SB 214**, **SB 230**, **SB 247**, **SB 248**, **SB 249**, **SB 258**, **SB 265**, **SB 266**, **SB 267**, **SB 271**, **SB 273**, **SB 274**, **SB 288**, **SB 290**, **SB 291**, **SB 297**, **SB 301**, **SB 302**, **SB 307**, **SB 314**, **SB 327**, **SB 337**, **SB 338**, **SB 354**, **SJ 6**, **SJ 9**, **SJ10**, **SJ 11**, **SJ 18**, **SR 75**, **HB 303**, **HJ 5**.
Correctly engrossed: **SB 87**, **SB 212**, **SB 260**, **SB 263**, **SB 270**, **SB 275**, **SB 283**, **SB 292**, **SB 300**, **SB 316**.
Transmitted to the House: **SB 133**, **SB 240**, **SB 286**, **SJ 8**, **HB 136**, **HB 140**, **HB 167**, **HB 171**.
Signed by the Secretary of the Senate at 4:05 p.m., February 26, 2021: **SB 28**, **SB 56**, **SB 70**, **SR 42**.
Signed by the President at 4:45 p.m., February 26, 2021: **SR 42**.
Signed by the President at 4:55 p.m., February 26, 2021: **SB 28**, **SB 56**, **SB 70**.

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Hinebauch, Chair): 2/25/2021
SB 360, do pass.

LOCAL GOVERNMENT (Gauthier, Chair): 2/26/2021
SB 257, introduced bill, be amended as follows:

1. Page 1.
Following: line 20
Insert: "(3) Nothing in this section prohibits a local government from participating in a service offered through a tariff approved by the public service commission."
Renumber: subsequent subsections

And, as amended, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/26/2021
SB 142, introduced bill, be amended as follows:

1. Title, line 5 through line 6.
Strike: "PROVIDING" on line 5 through "TIME;" on line 6

2. Page 1, line 12.
Strike: "**-- limitations on children under 2 years of age"**
Following: "**age.**"
Strike: "(1)"

3. Page 1, line 13.
Strike: "10"
Insert: "seven"

4. Page 1, line 14 through line 17.
Strike: subsections (2) and (3) in their entirety

5. Page 1, line 27.
Strike: "21"
Insert: "16"

6. Page 2, line 16 through line 17.
Strike: "3" on line 16 through "10" on line 17
Insert: "three to seven"

7. Page 2, line 19.
Strike: "11 to 20"
Insert: "8 to 15"

And, as amended, do pass.

SB 357, do pass.

STATE ADMINISTRATION (Kary, Chair): 2/26/2021
SB 228, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "SECTIONS"
Insert: "SECTION"

2. Title, line 6.
Following: "39-31-203"
Strike: "AND 39-31-401"

3. Title, line 6 through line 7.
Strike: "REPEALING" on line 6 through "MCA;" on line 7

4. Page 1, line 18.
Strike: "may withdraw from the unit"
Insert: "membership may cease deductions from the employee's pay"

5. Page 1, line 21 through line 23.
Strike: "who" on line 21 through "writing" on line 23
Insert: "may withdraw from a bargaining unit by providing notice at any time during the month preceding the effective date of the withdrawal"

6. Page 1, line 25 through page 2, line 17.
Strike: sections 2 and 3 in their entirety
Renumber: subsequent sections

And, as amended, do pass.

SB 232, do pass.
SB 276, do pass.
SB 339, do pass.
SB 350, do pass.
SB 351, do pass.
SJ 17, do pass.
SJ 19, do pass.

Without objection, committee reports were adopted.

Senator Jacobson joined the Senate at this time.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/26/2021

HB 57, introduced by D. Lenz
HB 90, introduced by D. Lenz
HB 291, introduced by M. Funk
HB 300, introduced by J. Schillinger
HB 307, introduced by J. Gillette
HB 373, introduced by K. Holmlund
HB 374, introduced by K. Holmlund
HB 463, introduced by J. Trebas
HB 478, introduced by D. Harvey

HB 428, introduced by B. Mercer, requiring adoption by an affirmative roll call vote of two-thirds of each house of Legislature, passed the House and was transmitted to the Senate with the following vote:

Yeas - 67 Nays - 33

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced and read first time:

HB 57, introduced by D. Lenz (by request of the Department of Public Health and Human Services).
HB 90, introduced by D. Lenz (by request of the Children, Families, Health, and Human Services Interim Committee, the State-Tribal Relations Committee).
HB 291, introduced by M. Funk.
HB 300, introduced by J. Schillinger.
HB 307, introduced by J. Gillette.
HB 373, introduced by K. Holmlund, E. Buttrey, J. Keane, D. Ankney, R. Lynch, F. Garner, J.Small, M. Hopkins, J. Dooling, E. Kerr-Carpenter, K. Bogner, D. Bedey.
HB 374, introduced by K. Holmlund, E. Buttrey, J. Keane, D. Ankney, R. Lynch, F. Garner, J. Small, M. Hopkins, J. Dooling, K. Bogner, D. Bedey.
HB 428, introduced by B. Mercer.
HB 463, introduced by J. Trebas.
HB 478, introduced by D. Harvey.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 16 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 31

Nays: Ankney, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 19

Voted absentee: Ankney, No.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 192 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 230 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 247 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 41

Nays: Esp, Glimm, Hinebauch, Howard, Keenan, Lang, McGillvray, Regier K, Smith C.
Total 9

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 248 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Glimm, Hinebauch, Howard, Regier K, Salomon.
Total 5

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 249 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 48

Nays: Manzella, Vance.
Total 2

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 258 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Keenan.
Total 1

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 265 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney.
Total 17

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 266 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Webber.
Total 15

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 294 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 42

Nays: Flowers, Gross, McClafferty, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 8

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 6 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 43

Nays: Ankney, Glimm, Howard, Keenan, Manzella, Smith C, Vance.
Total 7

Voted absentee: Ankney, No.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 9 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 10 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar,

Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Webber, Welborn, Mr. President.
Total 46

Nays: Esp, Manzella, Tempel, Vance.
Total 4

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 100 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 159 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ellsworth in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 188 - Senator Lang moved **SB 188** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Gross, Jacobson, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 251 - Majority Leader Smith moved **SB 251** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch,

McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 278 - Senator Hertz moved **SB 278** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 318 - Senator Manzella moved **SB 318** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Sweeney.
Total 1

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 206 - Senator Sweeney moved **SB 206** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 217 - Senator Small moved **SB 217** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 194 - Senator K. Regier moved **SB 194** do pass.

SB 194 - Senator Friedel moved **SB 194**, second reading copy, be amended as follows:

1. Page 1, line 17.
Following: "may"
Strike: "appoint or"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Ellsworth, Flowers, Fox, Friedel, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sands, Small, Tempel, Vance, Webber, Welborn.
Total 27

Nays: Bogner, Brown, Cuffe, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Regier K, Sales, Salomon, Smith C, Sweeney, Mr. President.
Total 23

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 194 - As amended, **SB 194 failed** to pass as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McGillvray, Regier K, Sales, Small, Smith C, Mr. President.
Total 21

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Friedel, Gross, Jacobson, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Salomon, Sands, Sweeney, Tempel, Vance, Webber, Welborn.
Total 29

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 194 - Majority Leader Smith moved **SB 194** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hinebauch, Jacobson, Kary, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn.
Total 36

Nays: Brown, Cuffe, Glimm, Hertz, Hoven, Howard, Keenan, Lang, McGillvray, Regier K, Sales, Smith C, Mr. President.
Total 13

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 271 - Senator Glimm moved **SB 271** do pass. Motion carried as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 21

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 277 - Senator McGillvray moved **SB 277** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 348 - Senator Sales moved **SB 348** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 49

Nays: Vance.
Total 1

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 200 - Senator Sands moved **SB 200** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 218 - Senator Sands moved **SB 218** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 48

Nays: Manzella, Vance.
Total 2

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 215 - Senator Glimm moved **SB 215** do pass. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Small, Smith C, Vance, Mr. President.
Total 26

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Webber, Welborn.
Total 24

Voted absentee: Ankney, No.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 221 - Senator Gauthier moved **SB 221** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Boldman, Gross, Jacobson, Lynch, Morigeau.
Total 5

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 220 - Senator Cohenour moved **SB 220** do pass. Motion carried as follows:

Yeas: Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Sweeney, Tempel, Welborn, Mr. President.
Total 37

Nays: Ankney, Bennett, Ellis, Ellsworth, Gross, Lynch, Morigeau, Pomnichowski, Pope, Sands, Smith C, Vance, Webber.
Total 13

Voted absentee: Ankney, No.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 354 - Senator Hinebauch moved **SB 354** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 37

Nays: Bennett, Boland, Boldman, Cohenour, Gross, Jacobson, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Sands, Webber.
Total 13

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 226 - Senator Fitzpatrick moved **SB 226** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 201 - Senator Fitzpatrick moved **SB 201** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 234 - Senator Vance moved **SB 234** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 262 - Senator Cuffe moved **SB 262** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: Ankney, Aye.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Ellsworth moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/26/2021
SB 243, do pass.
SB 281, introduced bill, be amended as follows:

1. Page 2, line 5.
Strike: "primary and secondary schools, including private and public charter schools"

Insert: "public and nonpublic elementary and secondary schools; home schools"

And, as amended, do pass.

SB 305, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "AN IMMEDIATE EFFECTIVE DATE"
Insert: "EFFECTIVE DATES"

2. Page 2.
Following: line 2
Insert: "NEW SECTION. **Section 4. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective on passage and approval.
(2) [Section 1] is effective July 1, 2021."

3. Page 2, line 3.
Strike: section 4 in its entirety

And, as amended, do pass.

SB 342, do pass.
SB 356, introduced bill, be amended as follows:

1. Page 3, line 14.
Following: "(2)(b)(i)"
Strike: "but who is not currently receiving assistance"
Following: "section"
Insert: "regardless of whether the participant is currently receiving temporary assistance for needy families"

2. Page 3, line 25.
Following: "time."
Insert: "The department shall prioritize participants seeking a high school diploma, a high school equivalency diploma, vocational training, an associate's degree, or a baccalaureate degree before selecting participants seeking a graduate or professional degree."

And, as amended, do pass.

SJ 15, do pass.
SR 41, be adopted.

NATURAL RESOURCES (Welborn, Chair): 2/26/2021
SB 164, introduced bill, be amended as follows:

1. Page 3, line 5.
Following: "sources"
Insert: ", except that for subdivisions with more than 25 lots, a local county commission may reduce the limit to 7.5 milligrams per liter from all sources"

And, as amended, do pass.

SB 180, introduced bill, be amended as follows:

1. Page 2, line 8.
Following: "chair."
Insert: "Subcommittee members must have expertise in soil health and represent a diversity of livestock and cropping systems and geographic regions of the state."

2. Page 2, line 17.
Following: "districts"
Insert: ", who shall serve as presiding officer"

3. Page 2, line 18.
Following: "on behalf of"
Strike: "small-sized to mid-sized"

4. Page 3, line 11.
Following: "up"
Insert: "voluntary"

5. Page 3, line 19.
Following: "adoption of"
Insert: "voluntary"

And, as amended, do pass.

SB 328, do pass.
SB 352, introduced bill, be amended as follows:

1. Page 1, line 24.
Following: "~~interest~~"
Strike: "hydrologically connected"

2. Page 4, line 24.
Following: "owns a"
Strike: "hydrologically connected"

And, as amended, do pass.

SB 358, do pass.
SJ 7, do pass.
SJ 16, do pass.
SJ 21, do pass.
SR 81, be adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/26/2021
SB 315, introduced bill, be amended as follows:

1. Page 3.
Following: line 18
Insert: "COORDINATION SECTION. **Section 11. Coordination instruction.** If both House Bill No. 167 and [this act] are passed and approved, then House Bill No. 167 is void."
Renumber: subsequent sections

And, as amended, do pass.

STATE ADMINISTRATION (Kary, Chair): 2/26/2021
SB 287, introduced bill, be amended as follows:

1. Page 1, line 12.
Following: "financing"
Strike: "of a public project"
Insert: "for the construction or renovation of a building"
Following: "shall"
Strike: ", except as provided in Title 18, chapter 2, part 5,"

2. Page 1, line 13.
Following: "financing"
Strike: "a public work"

3. Page 1, line 16 through line 18.
Following: "(a)"
Insert: "determine if the next lowest bidder has a physical branch located in the state; and (b) if, when multiplying the low bid by 1.025, the next lowest bid is at or less than the bid of the lowest bidder, notify the next lowest bidder and give that bidder 2 business days to offer a bid of equal terms"

4. Page 1, line 16 through line 18
Strike: "notify" on line 16 through "lowest bidder" on line 18

5. Page 1, line 28 through page 2, line 6.
Strike: subsections (c) through (d) in their entirety

And, as amended, do pass.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORT

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/26/2021
SR 40, be **not** adopted. Adverse Committee Report adopted as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 22

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 262**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Ellsworth moved to change his third-reading vote on **SB 16** from Yes to No. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week. In addition, Senator Kary thanked Clancy Small who spent the week working with the Pages.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 8:30 a.m., Monday, March 1, 2021, the forty-third legislative day. Motion carried.

Senate adjourned at 10:41 a.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FORTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 1, 2021 — State Capitol

Senate convened at 8:30 a.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/1/2021

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the thirty-first and thirty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 87**, **SB 142**, **SB 164**, **SB 176**, **SB 188**, **SB 200**, **SB 201**, **SB 206**, **SB 212**, **SB 213**, **SB 215**, **SB 217**, **SB 218**, **SB 220**, **SB 221**, **SB 225**, **SB 226**, **SB 227**, **SB 232**, **SB 233**, **SB 234**, **SB 236**, **SB 237**, **SB 238**, **SB 242**, **SB 243**, **SB 250**, **SB 251**, **SB 253**, **SB 254**, **SB 257**, **SB 261**, **SB 262**, **SB 267**, **SB 270**, **SB 271**, **SB 272**, **SB 274**, **SB 276**, **SB 277**, **SB 278**, **SB 280**, **SB 283**, **SB 287**, **SB 297**, **SB 300**, **SB 301**, **SB 302**, **SB 303**, **SB 305**, **SB 306**, **SB 307**, **SB 309**, **SB 314**, **SB 316**, **SB 317**, **SB 318**, **SB 319**, **SB 323**, **SB 327**, **SB 328**, **SB 332**, **SB 334**, **SB 335**, **SB 337**, **SB 338**, **SB 339**, **SB 340**, **SB 342**, **SB 344**, **SB 345**, **SB 346**, **SB 350**, **SB 351**, **SB 352**, **SB 353**, **SB 354**, **SB 355**, **SB 356**, **SB 357**, **SB 358**, **SB 360**, **SB 361**, **SB 363**, **SB 364**, **SB 365**, **SB 367**, **SB 368**, **SB 370**, **SB 372**, **SJ 7**, **SJ 11**, **SJ 15**, **SJ 16**, **SJ 17**, **SJ 18**, **SJ 19**, **SJ 21**, **SR 41**, **SR 81**.
Correctly engrossed: **SB 142**, **SB 164**, **SB 180**, **SB 199**, **SB 228**, **SB 232**, **SB 239**, **SB 257**, **SB 272**, **SB 281**, **SB 284**, **SB 287**, **SB 303**, **SB 305**, **SB 315**, **SB 319**, **SB 334**, **SB 341**, **SB 344**, **SB 352**, **SB 355**, **SB 356**, **SB 360**.
Correctly enrolled: **SB 118**, **SR 44**, **SR 72**, **SR 75**, **SR 77**, **SR 78**, **SR 79**, **SR 80**.
Examined by the sponsor and found to be correct: **SB 118**, **SR 44**, **SR 72**, **SR 75**, **SR 77**, **SR 78**, **SR 79**, **SR 80**.
Transmitted to the House: **SB 16**, **SB 87**, **SB 100**, **SB 142**, **SB 159**, **SB 164**, **SB 188**, **SB 192**, **SB 199**, **SB 200**, **SB 201**, **SB 206**, **SB 212**, **SB 213**, **SB 215**, **SB 217**, **SB 218**, **SB 220**, **SB 221**, **SB 224**, **SB 225**, **SB 226**, **SB 227**, **SB 230**, **SB 233**, **SB 234**, **SB 236**, **SB 237**, **SB 238**, **SB 239**, **SB 242**, **SB 243**, **SB 247**, **SB 248**, **SB 249**, **SB 250**, **SB 251**, **SB 253**, **SB 254**, **SB 257**, **SB 258**, **SB 260**, **SB 261**, **SB 262**, **SB 265**, **SB 266**, **SB 267**, **SB 270**, **SB 271**, **SB 272**, **SB 274**, **SB 276**, **SB 277**, **SB 278**, **SB 280**, **SB 283**, **SB 284**, **SB 287**, **SB 294**, **SB 300**, **SB 301**, **SB 302**, **SB 303**, **SB 305**, **SB 306**, **SB 307**, **SB 309**, **SB 314**, **SB 315**, **SB 316**, **SB 317**, **SB 318**, **SB 319**, **SB 327**, **SB 328**, **SB 332**, **SB 334**, **SB 337**, **SB 338**, **SB 339**, **SB 344**, **SB 345**, **SB 346**, **SB 348**, **SB 350**, **SB 351**, **SB 352**, **SB 353**, **SB 354**, **SB 355**, **SB 356**, **SB 357**, **SB 358**, **SB 360**, **SB 361**, **SB 363**, **SB 364**, **SB 365**, **SB 367**, **SB 372**, **SJ 6**, **SJ 7**, **SJ 9**, **SJ 10**, **SJ 11**, **SJ 15**, **SJ 16**, **SJ 17**, **SJ 18**, **SJ 19**, **SJ 21**.
Signed by the Secretary of the Senate at 12:30 p.m., March 1, 2021: **SR 44**, **SR 72**, **SR 77**, **SR 78**,

SR 79, **SR 80**.
Signed by the President at 6:15 p.m., March 1, 2021: **SR 44**, **SR 72**, **SR 77**, **SR 78**, **SR 79**, **SR 80**.
Signed by the Speaker at 12:25 p.m., March 1, 2021: **SB 28**, **SB 56**, **SB 70**.
Delivered to the Governor for signature at 1:28 p.m., March 1, 2021: **SB 28**, **SB 56**, **SB 70**.
Delivered to the Secretary of State at 1:31 p.m., March 1, 2021: **SR 42**.
Delivered to the Governor for information at 1:28 p.m., March 1, 2021: **SR 42**.

Majority Leader Smith announced the Republicans would caucus. Following the caucus, the Senate reconvened at 9:00 a.m., President Blasdel presiding.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/26/2021
SB 317, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/27/2021
SB 334, introduced bill, be amended as follows:

1. Page 2.
Following: line 5
Insert: "(5) This section applies to utilities regulated by the public service commission pursuant to Title 69, chapter 8, and this chapter."

2. Page 2.
Following: line 19
Insert: "(6) This section applies to utilities regulated by the public service commission pursuant to Title 69, chapter 8, and this chapter."

3. Page 2, line 25.
Strike: the first "8"
Insert: "3"

4. Page 2, line 25.
Strike: the second "8"
Insert: "3"

And, as amended, do pass.

FINANCE AND CLAIMS (Osmundson, Chair): 2/27/2021
SB 262, do pass.

JUDICIARY (Regier, Chair): 2/27/2021
SB 353, do pass. .
SB 361, do pass.

SB 365, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/27/2021

SB 118, introduced by T. Gauthier

House bills passed and transmitted to the Senate for concurrence: 2/27/2021

HB 92, introduced by K. Kelker
HB 233, introduced by F. Anderson
HB 258, introduced by J. Hinkle
HB 328, introduced by C. Keogh
HB 334, introduced by J. Carlson
HB 425, introduced by J. Schillinger
HB 444, introduced by E. Buttrey
HB 459, introduced by D. Lenz
HB 469, introduced by S. Novak
HB 472, introduced by M. Regier
HB 480, introduced by B. Mercer
HB 483, introduced by C. Knudsen

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced and read first time:

HB 92, introduced by K. Kelker (by request of the Law and Justice Interim Committee).
HB 233, introduced by F. Anderson, M. McNally, E. McClafferty, M. Caferro, B. Bennett, C. Boland, C. Smith, J. Pomnichowski, D. Sands, B. Molnar, T. Jacobson, R. Lynch, M. Funk, W. McKamey, C. Pope, S. Vinton, K. Abbott, S. Morigeau, E. Kerr-Carpenter, S. Greef, P. Flowers, B. Mitchell, A. Buckley, S. O'Brien.
HB 258, introduced by J. Hinkle, D. Skees, J. Read, D. Kary, D. Howard, C. Smith, G. Vance, M. Blasdel, B. Molnar, C. Glimm, W. Galt, S. Berglee, B. Brown, T. Manzella, S. Hinebauch, S. Gunderson, D. Loge, F. Anderson, L. Sheldon-Galloway, J. Trebas, B. Usher, S. Vinton, B. Beard, T. Gauthier, J. Ellsworth, J. Dooling, K. Bogner, B. Gillespie, T. Moore, D. Bedey, B. Ler, B. Phalen, J. Carlson, A. Regier, P. Fielder, S. Galloway, E. Hill, K. Seekins-Crowe, M. Stromswold, J. Gillette, C. Hinkle, M. Binkley, R. Marshall, K. Whitman, C. Friedel.
HB 328, introduced by C. Keogh.
HB 334, introduced by J. Carlson, E. Buttrey.
HB 425, introduced by J. Schillinger.

HB 444, introduced by E. Buttrey, F. Garner.
HB 459, introduced by D. Lenz.
HB 469, introduced by S. Novak.
HB 472, introduced by M. Regier, S. Fitzpatrick.
HB 480, introduced by B. Mercer.
HB 483, introduced by C. Knudsen, D. Kary, C. Smith, G. Vance, M. Blasdel, J. Cohenour, W. Galt, S. Berglee, B. Tschida, D. Bartel, S. Vinton, B. Beard, K. Abbott, J. Kassmier, A. Buckley.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 188 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 200 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 201 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 206 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 215 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Vance, Mr. President.
Total 26

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Tempel, Webber, Welborn.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 217 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 218 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp,

Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Mr. President.
Total 47

Nays: Manzella, Vance, Welborn.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 220 passed as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Tempel, Welborn, Mr. President.
Total 35

Nays: Bennett, Boldman, Ellis, Gross, Jacobson, Kary, Lynch, Morigeau, Pomnichowski, Pope, Sands, Smith C, Sweeney, Vance, Webber.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 221 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 226 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 234 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 251 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 260 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 271 passed as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson,

Regier K, Sales, Salomon, Small, Smith C, Vance, Mr. President.
Total 28

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber, Welborn.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 277 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 278 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 318 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 348 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 354 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Bennett, Boland, Boldman, Cohenour, Gross, Jacobson, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 204 - Majority Leader Smith moved consideration of **SB 204** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 199 - Senator Hertz moved **SB 199** do pass.

SB 199 - Senator Hertz moved **SB 199**, second reading copy, be amended as follows:

1. Page 4, line 4.
Following: "licensed"
Insert: "establishment,"
Strike: "or"

2. Page 4, line 4.

Following: "establishment"
Insert: ", or by the producer"

3. Page 4, line 6.
Strike: "9 CFR 381"
Insert: "9 CFR 381.10(c)"

4. Page 12, line 18 through line 19.
Strike: "9" on line 18 through "381" on line 19
Insert: "9 CFR 381.10(c)"

5. Page 20, line 11.
Strike: "Except as provided in 81-22-303, the"
Insert: "The"

6. Page 21, line 5.
Strike: "The department may ~~not sample, test, or retest~~ REQUIRE A"
Insert: "A small dairy shall"

7. Page 21, line 7.
Following: the first "food"
Strike: ", or a homemade food product"

8. Page 21, line 8.
Following: "records"
Insert: "for 2 years"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 199 - As amended, **SB 199** passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 30

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 238 - Senator Gauthier moved **SB 238** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Glimm, Gross, Hertz, Hinebauch, Jacobson, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber.
Total 36

Nays: Ankney, Cuffe, Ellsworth, Esp, Gillespie, Hoven, Howard, Kary, Keenan, Lang, Lynch, Smith C, Welborn, Mr. President.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 250 - Senator Cohenour moved **SB 250** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth,

Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Mr. President.
Total 45

Nays: Brown, Esp, Manzella, Vance, Welborn.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 176 - Senator Molnar moved **SB 176** do pass. Motion **failed** as follows:

Yeas: Ankney, Brown, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Lang, Lynch, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 25

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Esp, Flowers, Fox, Glimm, Hertz, Howard, Kary, Keenan, Manzella, McClafferty, McGillvray, McNally, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 176 - Majority Leader Smith moved **SB 176** be **indefinitely postponed**. Motion carried as follows:

Yeas: Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Flowers, Fox, Gillespie, Glimm, Gross, Hertz, Hinebauch, Howard, Kary, Keenan, Manzella, McClafferty, McGillvray, McNally, O'Brien, Pomnichowski, Pope, Regier K, Sales, Sands, Small, Sweeney, Tempel, Vance, Webber.
Total 32

Nays: Ankney, Bennett, Bogner, Ellsworth, Fitzpatrick, Friedel, Gauthier, Hoven, Jacobson, Lang, Lynch, Molnar, Morigeau, Osmundson, Salomon, Smith C, Welborn, Mr. President.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 122 - Senator K. Regier moved **SB 122** do pass. Motion **failed** as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 22

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 28

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 122 - Majority Leader Smith moved **SB 122** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Jacobson, Lynch, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 28

Nays: Bogner, Brown, Cuffe, Ellsworth, Friedel, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: Morigeau.
Total 1

Senator Morigeau present at this time.

SB 284 - Senator Tempel moved **SB 284** do pass.

SB 284 - Senator Lang moved **SB 284**, second reading copy, be amended as follows:

1. Page 1, line 25.
Following: "located"
Insert: "outside of core areas and"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 284 - As amended, **SB 284** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 36

Nays: Boland, Cohenour, Ellis, Fox, Gross, Hoven, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 212 - Senator Osmundson moved **SB 212** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 36

Nays: Boland, Cohenour, Ellis, Esp, Flowers, Fox, Gross, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 213 - Senator K. Regier moved **SB 213** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Keenan, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 228 - Senator Hertz moved **SB 228** do pass.

SB 228 - Senator Hertz moved **SB 228**, second reading copy, be amended as follows:

1. Title, line 7 through line 8.
Strike: "THE" on line 7 through "CEASE" on line 8
Insert: "TIMELINES"

2. Page 1, line 19 through line 26.
Strike: "(a)" on line 19 through "WITHDRAWAL" on line 26
Insert: "(a) Upon written notice from an employee, an employee may withdraw from a bargaining unit.
(b) Beginning on the first day of March or the first day of September following receipt of the written notice, membership in the bargaining unit ceases, and the employer may no longer collect dues after the first day of March or first day of September.
(c) The employee remains a member of the bargaining unit with all rights and privileges until the membership ceases after the first day of March or first day of September. After notice is provided to the bargaining unit, the employee may not withdraw the notice. If the employee requests to rejoin the bargaining unit, the employee may rejoin after the worker's membership has ceased"

Amendment **adopted** as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Mr. President.
Total 27

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber, Welborn.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 228 - As amended, **SB 228 failed** to pass as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Salomon, Smith C, Tempel, Vance, Mr. President.
Total 25

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Small, Sweeney, Webber, Welborn.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 228 - Majority Leader Smith moved **SB 228** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Jacobson, Kary, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 31

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Glimm, Hertz, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 15 - Senator Ellsworth moved **SJ 15** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Esp, Keenan, Lynch.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 243 - Senator Bennett moved **SB 243** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 204 - Senator Hertz moved **SB 204** do pass.

SB 204 - Senator Hertz moved **SB 204**, second reading copy, be amended as follows:

1. Title, line 7 through line 8.
Strike: "PROHIBITING" on line 7 through "32.8.206;" on line 8

2. Title, line 9.
Strike: "IMMEDIATE"

3. Page 1.
Following: line 12
Insert: "NEW SECTION. **Section 1. Time from processing that fluid milk may be sold for public consumption -- rulemaking.** (1) A unit of grade A milk may not be sold or otherwise offered for public consumption more than 17 days following pasteurization.
(2) Grade A pasteurized milk may not be put in any container marked with a sell-by date that is more than 17 days after pasteurization of the milk for sale in Montana.
(3) Unless agreed otherwise, the person who offers the milk for sale to the public is responsible for removing the milk at or before the expiration of the 17 days.
(4) The department shall revise rules to implement [section 1].
Renumber: subsequent sections

4. Page 1, line 13 through page 2, line 8.
Strike: sections 1 through 3 in their entirety
Renumber: subsequent sections

5. Page 2, line 13.
Strike: "on passage and approval"
Insert: "July 1, 2021"

Amendment **not** adopted as follows:

Yeas: Bogner, Brown, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 21

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Esp, Flowers, Fox, Gross, Hoven, Jacobson, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 29

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 204 - Thereupon, the Senate reverted to the original motion of Senator Hertz which **failed** as follows:

Yeas: Boldman, Brown, Ellsworth, Esp, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Keenan, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 19

Nays: Ankney, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 31

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 204 - Majority Leader Smith moved **SB 204** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 33

Nays: Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Glimm, Hertz, Hinebauch, Howard, Keenan, Lang, Manzella, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Bennett, Bogner, Flowers, McGillvray, Molnar.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/1/2021
SB 345, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 3/1/2021
SB 303, introduced bill, be amended as follows:

1. Page 1, line 15.
Following: "prison"
Insert: ", a state-owned facility, or any state-contracted facility"

2. Page 1, line 21.
Strike: "5 cents"
Insert: "7 cents"

3. Page 1, line 27.
Following: "state prison"
Insert: or facility regulated under Title 7, chapter 32, part 22,"

And, as amended, do pass.

FISH AND GAME (Hinebauch, Chair): 3/1/2021
SB 306, do pass.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 3/1/2021
SB 372, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/1/2021
SB 341, introduced bill, be amended as follows:

1. Title, line 9.
Following: "LEVELS"
Insert: "TO 15% AND PROHIBITING THE POSSESSION OR SALE OF MARIJUANA OR MARIJUANA-INFUSED PRODUCTS CONTAINING THC LEVELS IN EXCESS OF THE LIMIT"
Following: "LEVELS;"
Insert: "INCREASING PENALTIES FOR CERTAIN PROHIBITED CONDUCT;"

2. Page 8, line 3.
Strike: "$50"
Insert: "$100"

3. Page 8, line 9.
Strike: "4"
Insert: "10"

4. Page 8, line 14.
Strike: "4"
Insert: "10"

5. Page 10, line 10 through line 19.
Following: "to" on line 10
Strike: remainder of line 10 through "(d)" on line 19

6. Page 12, line 18 through line 19.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

7. Page 16, line 16.
Strike: "1,000"
Insert: "2,640"

8. Page 17, line 15.
Following: "a"
Insert: "felony"
Following: "offense"
Strike: "involving drug possession"

9. Page 17, line 25.
Following: "not"
Insert: "possess or"

10. Page 19.

Following: line 19
Insert: "COORDINATION SECTION. **Section 12. Coordination instruction.** If both House Bill No. 457 and [this act] are passed and approved, then [this act] is void. "

And, as amended, do pass.

SB 368, do pass.

STATE ADMINISTRATION (Kary, Chair): 3/1/2021
SB 272, introduced bill, be amended as follows:

1. Page 2, line 16.
Following: "**justice**"
Insert: "**-- secretary of state"**

2. Page 2, line 21.
Following: "justice"
Insert: ", the secretary of state,"

3. Page 2, line 27.
Following: "justice,"
Insert: "the secretary of state,"

4. Page 3, line 6.
Following: "justice,"
Insert: "the secretary of state,"

And, as amended, do pass.

Without objection, committee reports were adopted.

MOTIONS

Senator Molnar moved the Senate reconsider its action on **SB 176**, indefinitely postponed, and that **SB 176** be placed on second reading this date. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Ellsworth, Flowers, Gauthier, Gillespie, Glimm, Gross, Hoven, Howard, Jacobson, Lynch, Manzella, McGillvray, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Salomon, Small, Smith C, Sweeney, Welborn, Mr. President. Total 28

Nays: Boland, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Fox, Friedel, Hertz, Hinebauch, Kary, Keenan, Lang, McClafferty, McNally, Pomnichowski, Pope, Sales, Sands, Tempel, Vance, Webber.

Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Sweeney moved that **SB 273**, scheduled for second reading this date, be re-referred to the Finance and Claims Committee. Motion **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Jacobson, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sands, Sweeney, Vance, Webber.
Total 23

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McGillvray, Molnar, Regier K, Sales, Salomon, Small, Smith C, Tempel, Welborn, Mr. President.
Total 27

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator McNally moved that **SB 254** be taken from the State Administration Committee and placed on second reading this date. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Webber.
Total 30

Nays: Ankney, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Glimm, Hertz, Hinebauch, Kary, Lang, Manzella, McGillvray, Regier K, Sales, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved that **SB 284**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 199**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 341** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 272** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 176** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Ankney arose on a point of personal privilege and expressed his thanks for the outpouring of good wishes from Senate members.

Senate recessed at 11:35 a.m. and reconvened at 2:13 p.m., President Blasdel presiding.

SPECIAL ORDERS OF THE DAY

Pages for the current week are:

Dylan Maharg from Helena, Montana, sponsored by Senator Gauthier
Sarah Amos from Helena, Montana, sponsored by Senator Vance
Amy McKenzie from Choteau, Montana, sponsored by Senator Gillespie
Jack McAllister from Hot Springs, Montana, sponsored by Senator Salomon

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 3/1/2021
SB 199, do pass.
SB 272, do pass.
SB 284, do pass.

JUDICIARY (Regier, Chair): 3/1/2021

SB 344, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/26/2021
SB 315, do pass. (Updated report)

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 1, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Blasdel:

On Monday, March 1, 2021, I signed the following Senate Bills:

Senate Bill 14 - Ellis
Senate Bill 31 - McNally
Senate Bill 67 - Fitzpatrick
Senate Bill 79 - Kary
Senate Bill 90 - Small
Senate Bill 96 - Webber
Senate Bill 97 - Fitzpatrick
Senate Bill 112 - Fitzpatrick

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 3/1/2021

SB 140, introduced by K. Regier

House bills passed and transmitted to the Senate for concurrence: 3/1/2021

HB 121, introduced by D. Bedey
HB 230, introduced by M. Regier
HB 264, introduced by R. Fitzgerald
HB 289, introduced by M. Regier
HB 437, introduced by J. Keane
HB 438, introduced by S. Galloway
HB 448, introduced by J. Kassmier
HB 454, introduced by V. Ricci
HB 462, introduced by M. Stromswold
HB 476, introduced by K. Whitman
HB 482, introduced by S. Gunderson
HB 491, introduced by M. Funk
HB 503, introduced by D. Lenz
HB 509, introduced by D. Tenenbaum
HB 530, introduced by W. McKamey
HB 555, introduced by M. Regier
HB 556, introduced by K. Walsh

HB 435, introduced by B. Mercer, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

3/1/2021

Yeas - 67 Nays - 32

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced and read first time:

HB 121, introduced by D. Bedey, J. Ellsworth.
HB 230, introduced by M. Regier, D. Skees, J. Read, R. Osmundson, T. McGillvray, K. Regier, C. Smith, M. Blasdel, L. Jones, B. Keenan, G. Hertz, B. Brown, J. Hinkle, T. Manzella, S. Hinebauch, J. Trebas, C. Knudsen, S. Vinton, M. Hopkins, J. Ellsworth, R. Knudsen, K. Bogner, B. Ler, J. Carlson, B. Mitchell, A. Regier, S. Kerns, J. Gillette, C. Hinkle, R. Marshall.
HB 264, introduced by R. Fitzgerald, J. Hamilton.
HB 289, introduced by M. Regier, E. Buttrey, D. Salomon, D. Kary, J. Keane, K. Regier, C. Smith, G. Vance, J. Welborn, M. Blasdel, D. Ankney, C. Glimm, G. Hertz, S. Berglee, B. Tschida, B. Usher, J. Patelis, J. Small, J. Ellsworth, D. Harvey, A. Regier, S. Galloway, K. Seekins-Crowe.
HB 435, introduced by B. Mercer, S. Fitzpatrick.
HB 437, introduced by J. Keane.
HB 438, introduced by S. Galloway, F. Smith, E. Buttrey, M. Cuffe, D. Skees, D. Salomon, J. Read, S. Fitzpatrick, D. Kary, J. Windy Boy, J. Esp, T. McGillvray, J. Keane, D. Howard, K. Regier, J. Welborn, B. Hoven, M. Blasdel, D. Ankney, J. Cohenour, B. Keenan, G. Hertz, D. Lenz, W. Galt, S. Berglee, B. Brown, W. Curdy, M. Funk, F. Garner, J. Hinkle, W. McKamey, M.

Noland, V. Ricci, B. Tschida, S. Hinebauch, S. Gunderson, D. Fern, D. Loge, L. Sheldon-Galloway, J. Trebas, D. Bartel, C. Knudsen, B. Usher, J. Patelis, S. Vinton, T. Welch, T. Gauthier, M. Hopkins, N. Duram, J. Fuller, R. Knudsen, J. Dooling, . Harvey, E. Kerr-Carpenter, M. Weatherwax, K. Bogner, B. Gillespie, J. Kassmier, B. Mercer, T. Moore, D. Bedey, S. Greef, M. Marler, B. Ler, B. Phalen, R. Whiteman Pena, F. Nave, L. Brewster, K. Zolnikov, B. Mitchell, L. Reksten, P. Fielder, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Stromswold, M. Malone, E. Stafman, J. Gillette, C. Hinkle, K. Walsh, M. Bertoglio, D. Hawk, S. Novak, G. Frazer, M. Binkley, R. Marshall, T. France, K. Whitman, M. Thane.
HB 448, introduced by J. Kassmier, F. Garner, T. Welch, M. Hopkins, R. Tempel, B. Ler, B. Phalen, L. Brewster, K. Zolnikov, P. Fielder, M. Malone.
HB 454, introduced by V. Ricci.
HB 462, introduced by M. Stromswold, E. Buttrey, W. Galt, L. Sheldon-Galloway, C. Knudsen, B. Usher, R. Knudsen, J. Carlson.
HB 476, introduced by K. Whitman, F. Garner, D. Loge, J. Trebas, D. Bedey, L. Brewster, S. Kerns, S. Galloway, E. Hill, C. Hinkle, M. Binkley.
HB 482, introduced by S. Gunderson.
HB 491, introduced by M. Funk.
HB 503, introduced by D. Lenz.
HB 509, introduced by D. Tenenbaum.
HB 530, introduced by W. McKamey, E. Buttrey, D. Skees, S. Fitzpatrick, D. Howard, C. Smith, G. Vance, J. Welborn, D. Ankney, L. Jones, C. Glimm, G. Hertz, W. Galt, S. Berglee, F. Garner, J. Hinkle, V. Ricci, D. Loge, C. Knudsen, B. Usher, S. Vinton, T. Welch, B. Beard, N. Duram, J. Fuller, B. Gillespie, J. Kassmier, B. Mercer, S. Greef, L. Brewster, K. Zolnikov, L. Reksten, S. Gist, J. Schillinger, M. Stromswold, C. Hinkle, K. Walsh, M. Bertoglio, G. Frazer.
HB 555, introduced by M. Regier, S. Fitzpatrick, B. Mercer.
HB 556, introduced by K. Walsh, J. Welborn, T. Welch, D. Bedey.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 164 - Senator Glimm moved **SB 164** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch,

McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 358 - Senator Esp moved **SB 358** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 142 - Senator Bogner moved **SB 142** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 180 - Senator Flowers moved **SB 180** do pass. Motion **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 23

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Glimm, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 27

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 180 - Majority Leader Smith moved **SB 180** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 236 - Senator Morigeau moved **SB 236** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 44

Nays: Bogner, Esp, Fitzpatrick, Keenan, Sales, Mr. President.
Total 6

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 233 - Senator Ankney moved **SB 233** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 232 - Senator Gauthier moved **SB 232** do pass.

SB 232 - Senator Gauthier moved **SB 232**, second reading copy, be amended as follows:

1. Page 2, line 6.
Following: "The"
Strike: "city police departments and the"

2. Page 2, line 6.
Following: "offices"
Strike: "in"
Insert: "and the city police departments located within the county seats of"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 232 - As amended, **SB 232** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Esp.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 328 - Senator Ankney moved **SB 328** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 37

Nays: Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 301 - Senator Manzella moved **SB 301** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 87 - Senator Ankney moved **SB 87** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn.
Total 46

Nays: O'Brien, Pomnichowski, Webber.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

SB 280 - Senator Glimm moved **SB 280** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Mr. President.
Total 26

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber, Welborn.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 270 - Senator Hoven moved **SB 270** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 257 - Senator Small moved **SB 257** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 36

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 253 - Senator Hertz moved **SB 253** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 252 - Senator Howard moved **SB 252** do pass. Motion **failed** as follows:

Yeas: Ankney, Bogner, Brown, Ellsworth, Esp, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Welborn, Mr. President.
Total 24

Nays: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 26

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 252 - Majority Leader Smith moved **SB 252** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 29

Nays: Bogner, Brown, Ellsworth, Friedel, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Welborn, Mr. President.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 281 - Senator Welborn moved **SB 281** do pass. Motion **failed** as follows:

Yeas: Ankney, Bennett, Boland, Cohenour, Ellis, Esp, Fox, Gauthier, Gross, Hoven, Howard, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Welborn.
Total 25

Nays: Bogner, Boldman, Brown, Cuffe, Ellsworth, Fitzpatrick, Flowers, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Regier K, Sales, Smith C, Tempel, Vance, Webber, Mr. President.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 281 - Majority Leader Smith moved **SB 281** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Webber, Mr. President.
Total 33

Nays: Bennett, Cohenour, Ellis, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Salomon, Sands, Sweeney, Welborn.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 352 - Senator Esp moved **SB 352** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: Osmundson.
Total 1

SB 356 - Senator Gross moved **SB 356** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Keenan.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 357 - Senator Gross moved **SB 357** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 89 - Senator K. Regier moved **SB 89** do pass. Motion **failed** as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 22

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gauthier, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 28

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Cohenour arose on a point of order and requested the bill sponsor focus his remarks on the bill.

SB 89 - Majority Leader Smith moved **SB 89** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 35

Nays: Bogner, Brown, Cuffe, Ellsworth, Glimm, Hertz, Hinebauch, Hoven, Keenan, Manzella, McGillvray, Regier K, Smith C, Vance, Mr. President.

Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 237 - Senator Kary moved **SB 237** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 239 - Senator McNally moved **SB 239** do pass.

SB 239 - Senator McNally moved **SB 239**, second reading copy, be amended as follows:

1. Title, line 11.
Following: "SECTIONS"
Insert: "32-1-107,"

2. Page 8.
Following: line 10
Insert: "Section 19. Section 32-1-107, MCA, is amended to read:
"32-1-107. Trust company defined -- purposes for which may be formed. The term "trust company" means any corporation that is incorporated under the laws of this state for any one or more of the following purposes:
(1) to receive money in trust and to accumulate the money at rates of interest as may be

obtained or agreed upon or to allow interest on the money as may be agreed upon;
(2) to accept and execute all trusts and perform the duties committed to them by any person or by any corporations or may be committed or transferred to them by order of any of the courts of record of this state or any other state or of the United States;
(3) to take and accept by grant, assignment, transfer, devise, or bequest and hold any real or personal estate or trust created in accordance with the laws of this state or any other state or of the United States and execute the legal trusts in regard to the same on the terms as may be declared, established, or agreed upon in regard to the estate or trust;
(4) to act as agent for the investment of money for other persons or corporations and as agents for persons and corporations for the purpose of issuing, registering, transferring, or countersigning the certificates of stock, bonds, or other evidence of debt of any corporation, association, municipality, state, or public authority as may be agreed upon;
(5) except as provided in [sections 1 through 18], to accept from and execute trusts for married persons in respect to their individual property, whether real or personal, and act as agents for them in the management of the property and generally to have and exercise powers as are usually had and exercised by trust companies;
(6) except as provided in [sections 1 through 18], to act as trustee, assignee, or receiver in all cases where it is lawful for any court of record, officer, corporation, or person to appoint a trustee, assignee, or receiver and to be appointed a trustee, assignee, or receiver and to be appointed, commissioned, and act as administrator of any estate, executor of any last will and testament of any deceased person, and as guardian of the person and estate of any minor or minors or of the estate of any person of unsound mind, spendthrift, habitual drunkard, or other persons disqualified or unable to manage their estates;
(7) to loan money upon unencumbered real estate, collateral, or personal security and execute and issue notes and debentures payable at a future date and to pledge its mortgages upon real estate and other securities as security for the notes and debentures;
(8) to buy and sell:
(a) government, state, county, municipal, and other bonds. The trust company may invest in United States obligations either directly or in the form of securities of or other interests in an open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 through 80a-64), as amended, if:
(i) the portfolio of the investment company or investment trust is limited to United States government obligations and repurchase agreements fully collateralized by United States government obligations; and
(ii) the investment company or investment trust takes delivery of the collateral for any repurchase agreement, either directly or through an authorized custodian.
(b) all kinds of negotiable, nonnegotiable, and commercial paper, stocks, and other investment securities; and
(c) gold and silver bullion, foreign coins, bills of exchange, and foreign and domestic exchange;
(9) to accept, receive, and hold money on deposit, payable either on time or on demand, with or without interest, as may be agreed upon with the depositors; to take and receive from any individual or corporation on deposit for safekeeping and storage, gold and silver plate, jewelry, stocks, securities, and other valuable and personal property; to collect coupons, interest, and dividends on securities described in this section; and to rent out the use of safes and other receptacles on their premises upon terms and for compensation as may be agreed upon.""
Renumber: subsequent sections

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 239 - As amended, **SB 239** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 261 - Senator Fitzpatrick moved **SB 261** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally,

Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Gross, O'Brien.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 360 - Senator Lang moved **SB 360** do pass.

SB 360 - Senator Lang moved **SB 360**, second reading copy, be amended as follows:

1. Title, line 5 through line 6.
Strike: "ESTABLISHING" on line 5 through "SPECIES; AND" on line 6

2. Title, line 6 through line 7.
Following: "REQUIRING" on line 6
Strike: "AN" on line 6 through "UPDATED" on line 7
Insert: "A REVIEW OF THE EXISTING"

3. Title, line 7.
Following: "PLAN"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 1, line 9 through line 14.
Strike: "WHEREAS, sport" on line 9 through "species." on line 14

5. Page 1, line 18.
Strike: "Sport fishing enhancement policy -- definition -- reporting"
Insert: "Review of state fisheries management plan"

6. Page 1, line 18 through line 23
Following: "**reporting.**"
Strike: "(1)" on line 18 through "(b)" on line 23

7. Page 1, line 23.
Strike: "update the"
Insert: "complete a review of the existing"

8. Page 1, line 23 through line 24.
Strike: "to ensure" on line 23 through "importance" on line 24

9. Page 1, line 25.
Following: "meetings"
Insert: "prior to June 1, 2023"

10. Page 1, line 26 through page 2, line 5.
Strike: subsection (c) and subsection (2) in their entirety

11. Page 2, line 7 through line 8
Strike: section 2 in its entirety
Insert: "NEW SECTION. **Section 2.** {standard} **Effective date**. [This act] is effective on passage and approval."

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 360 - As amended, **SB 360** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 267 - Senator Brown moved **SB 267** do pass. Motion carried as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 314 - Senator Brown moved **SB 314** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 316 - Senator Fitzpatrick moved **SB 316** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 305 - Senator Lang moved **SB 305** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 307 - Senator Lang moved **SB 307** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 338 - Senator Lang moved **SB 338** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 339 - Senator Pomnichowski moved **SB 339** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar,

Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 47

Nays: Glimm, Lang, Welborn.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 224 - Senator Fitzpatrick moved **SB 224** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 225 - Senator Fitzpatrick moved **SB 225** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Cohenour, Ellis, Gross.

Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 259 - Senator Manzella moved **SB 259** do pass. Motion **failed** as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 23

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 27

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 259 - Majority Leader Smith moved **SB 259** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 31

Nays: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 227 - Senator Fitzpatrick moved **SB 227** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 274 - Senator Friedel moved **SB 274** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber, Mr. President.
Total 38

Nays: Esp, Glimm, Hinebauch, Kary, Manzella, McGillvray, Regier K, Sales, Salomon, Smith C, Vance, Welborn.
Total 12

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 276 - Senator Cuffe moved **SB 276** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 44

Nays: Bennett, Ellis, Gross, McClafferty, O'Brien, Pomnichowski.
Total 6

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 315 - Senator Howard moved **SB 315** do pass.

SB 315 - Senator Gross moved **SB 315**, second reading copy, be amended as follows:

1. Page 3.
Following: line 18
Insert: "COORDINATION SECTION. Section 11. Coordination instruction. If both House Bill No. 167 and [this act] are passed and approved, then House Bill No. 167 is void."
Renumber: subsequent sections

Amendment **adopted** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gross, Howard, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Webber, Welborn, Mr. President.
Total 28

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Kary, Keenan, Lang, Manzella, McGillvray, Regier K, Sales, Smith C, Tempel, Vance.
Total 22

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 315 - As amended, **SB 315** passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 282 - Senator Manzella moved **SB 282** do pass. Motion **failed** as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 22

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gauthier, Gillespie, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 28

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 282 - Majority Leader Smith moved **SB 282** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Jacobson, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Tempel, Webber, Welborn.
Total 29

Nays: Bogner, Brown, Cuffe, Ellsworth, Friedel, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Sweeney, Vance, Mr. President.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/1/2021
SB 363, do pass.
SB 364, do pass.
SB 367, do pass.

FINANCE AND CLAIMS (Osmundson, Chair): 3/1/2021
SB 355, introduced bill, be amended as follows:

1. Title, line 5.
Following: "LAND;"
Insert: "REVISING DISTRIBUTION OF LODGING FACILITY USE TAX REVENUE;"

2. Title, line 5.
Strike: "SECTION"
Insert: "SECTIONS"

3. Title, line 5.
Following: "15-65-121"
Insert: "AND 90-1-135"

4. Page 1, line 23.
Strike: "(2)(h)"
Insert: "(2)(i)"

5. Page 1, line 27 through line 28.
Following: "fund." on line 27
Strike: "The amount" on line 27 through "22-3-1004." on line 28

6. Page 2.
Following: line 26
Insert: "(a) 3% to the Montana heritage commission for the operation and maintenance of Virginia City and Nevada City;"
Renumber: subsequent subsections

7. Page 3, line 6.
Strike: "63%"
Insert: "60%"

8. Page 3, line 7.
Strike: "(2)(f)(ii)"
Insert: "(2)(g)(ii)"

9. Page 4, line 1.

Strike: "(2)(a) through (2)(c), (2)(e), and (2)(f)"
Insert: "(2)(a) through (2)(d), (2)(f), and (2)(g)"

10. Page 4, line 4.
Strike: "(2)(d)"
Insert: "(2)(e)"

11. Page 4, line 5.
Strike: "(2)(h)"
Insert: "(2)(i)"

12. Page 4.
Following: line 6
Insert: "**Section 2.** Section 90-1-135, MCA, is amended to read:
"**90-1-135. Special revenue accounts.** (1) There is a state special revenue account in the state treasury for the receipt of state and private funds and a federal special revenue account in the state treasury for the receipt of federal funds for expenditure by the state-tribal economic development commission established in 90-1-131.
(2) Money in the state special revenue account from proceeds distributed under ~~15-65-121(2)(g)~~ 15-65-121(2)(h) is to be used for activities for the Indian tourism region, defined in 15-65-101.
(3) Except as provided in subsection (2), money in the accounts established in subsection (1) must be used to pay:
(a) the commission's administrative costs;
(b) the salary, benefits, and administrative expenses of the tribal business center coordinator and the federal grants coordinator; and
(c) the costs of conducting or commissioning and periodically updating or otherwise modifying a comprehensive assessment of economic development needs and priorities on each of the Indian reservations in the state.
(4) Money in the accounts that is not expended for the purposes identified in subsection (2) or (3) may be used for other purposes that the commission considers prudent or necessary.
(5) Interest and income earned on the money in the accounts must be deposited in the accounts for the commission's use.""
Renumber: subsequent sections

And, as amended, do pass.

LOCAL GOVERNMENT (Gauthier, Chair): 3/1/2021
SB 346, do pass.
STATE ADMINISTRATION (Kary, Chair): 3/1/2021
SB 309, do pass.
SB 319, introduced bill, be amended as follows:

1. Page 1, line 22.
Strike: "no more than three"

Insert: "an unlimited amount of"

2. Page 2, line 15.
Following: "participant"
Insert: "or if a participant is otherwise prohibited from receiving the contribution"

3. Page 3, line 11.
Following: the first "may"
Strike: "not"

4. Page 3, line 11.
Strike: ". A"
Insert: "if one or more participants are not otherwise prohibited from receiving the contribution. A joint fundraising committee may not make an expenditure in contravention of 13-35-227(1), and a participant in a"

5. Page 3, line 11 through line 12.
Strike: the second "may" on line 11 through "receive" on line 12
Insert: "prohibited from accepting or receiving"

6. Page 3, line 12.
Following: "contribution"
Strike: "prohibited"
Strike: "13-35-277(1)"
Insert: "13-35-227(1) may not accept or receive such a contribution from a joint fundraising committee"

And, as amended, do pass.

Without objection, committee reports were adopted.

Senate recessed at 601 p.m. and reconvened at 6:33 p.m., President Blasdel presiding.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 290 - Senator Glimm moved **SB 290** do pass. Motion **failed** as follows:

Yeas: Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Mr. President.
Total 25

Nays: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 290 - Majority Leader Smith moved **SB 290** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 29

Nays: Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Salomon, Smith C, Vance, Mr. President.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 291 - Senator Pope moved **SB 291** do pass. Motion **failed** as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gillespie, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 25

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Smith C, Vance, Welborn, Mr. President.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 291 - Majority Leader Smith moved **SB 291** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 292 - Senator Pope moved **SB 292** do pass. Motion **failed** as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Small, Sweeney, Webber, Welborn.
Total 25

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Salomon, Smith C, Tempel, Vance, Mr. President.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 292 - Majority Leader Smith moved **SB 292** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 297 - Senator Ellsworth moved **SB 297** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Tempel.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 300 - Senator Glimm moved **SB 300** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Bennett, Hinebauch, Jacobson, Lynch, Pomnichowski.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 337 - Senator Lang moved **SB 337** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 350 - Senator Hertz moved **SB 350** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 351 - Senator Bennett moved **SB 351** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 37

Nays: Brown, Cuffe, Glimm, Hertz, Hinebauch, Kary, Keenan, Lang, Manzella, Regier K, Smith C, Vance, Mr. President.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 332 - Senator Manzella moved **SB 332** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Small, Smith C, Vance, Mr. President.
Total 26

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Webber, Welborn.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 283 - Senator Glimm moved **SB 283** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Lynch, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 273 - Senator Sweeney moved **SB 273** do pass.

SB 273 - Senator Sweeney moved **SB 273**, second reading copy, be amended as follows:

1. Title, line 8.
Following: "DOCUMENTATION"
Strike: ", PARTS,"

2. Page 2, line 9.
Following: "documentation"
Strike: ", part,"

3. Page 3, line 7.
Following: "documentation"
Strike: ", parts,"

4. Page 3, line 11.
Following: "documentation"
Strike: ", parts,"

5. Page 3, line 12.
Following: "Documentation"
Strike: ", parts,"

6. Page 3.
Following: line 17
Insert: "(4) An original equipment manufacturer is not required to provide parts under this section."

7. Page 3, line 28.
Following: "documentation"
Strike: ", parts,"

Amendment **adopted** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gillespie, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 26

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Regier K, Sales, Smith C, Vance, Welborn, Mr. President.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 273 - As amended, **SB 273 failed** to pass as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber, Welborn.

Total 20

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Mr. President.
Total 30

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 273 - Majority Leader Smith moved **SB 273** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 245 - Senator K. Regier moved **SB 245** do pass. Motion **failed** as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 22

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gross, Jacobson, Keenan, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski,

Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 28

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 245 - Majority Leader Smith moved **SB 245** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gauthier, Gillespie, Gross, Jacobson, Kary, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 31

Nays: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Glimm, Hertz, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, McGillvray, Regier K, Smith C, Vance, Mr. President.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 242 - Senator Bennett moved **SB 242** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Friedel, Gauthier, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 29

Nays: Brown, Cuffe, Ellsworth, Fitzpatrick, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Welborn, Mr. President.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 287 - Senator Sales moved **SB 287** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 302 - Senator Sales moved **SB 302** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 327 - Senator Ellsworth moved **SB 327** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Gross.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 7 - Senator Welborn moved **SJ 7** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 11 - Senator Boldman moved **SJ 11** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 16 - Senator Hinebauch moved **SJ 16** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 17 - Senator Bennett moved **SJ 17** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 43

Nays: Cuffe, Glimm, Howard, Lang, Manzella, Regier K, Vance.

Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 18 - Senator Gillespie moved **SJ 18** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 19 - Senator Cuffe moved **SJ 19** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SJ 21 - Senator Cuffe moved **SJ 21** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Ellis.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate recessed at 9:05 p.m. and reconvened at 9:35 p.m., President Blasdel presiding.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 254 - Senator McNally moved **SB 254** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Keenan, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 32

Nays: Brown, Cuffe, Ellsworth, Fitzpatrick, Glimm, Hinebauch, Howard, Kary, Lang, Manzella, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 272 - Senator Vance moved **SB 272** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 303 - Senator McGillvray moved **SB 303** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 306 - Senator Lang moved **SB 306** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 22

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 317 - Senator Fitzpatrick moved **SB 317** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Gross, O'Brien, Pomnichowski, Sweeney.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 334 - Senator Molnar moved **SB 334** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 37

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 345 - Senator Fitzpatrick moved **SB 345** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 353 - Senator Gross moved **SB 353** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Webber.
Total 30

Nays: Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Regier K, Sales, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 361 - Senator Hoven moved **SB 361** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally,

Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Gross.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 365 - Senator K. Regier moved **SB 365** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Ankney excused at this time.

SB 368 - Senator Manzella moved **SB 368** do pass. Motion **failed** as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Smith C, Vance, Mr. President.
Total 23

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier,

Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 26

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 368 - Majority Leader Smith moved **SB 368** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 29

Nays: Bogner, Brown, Ellsworth, Friedel, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 20

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 372 - Senator McClafferty moved **SB 372** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 309 - Senator Sales moved **SB 309** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: McGillvray, Smith C.
Total 2

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 319 - Senator Hertz moved **SB 319** do pass. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 363 - Senator Fitzpatrick moved **SB 363** do pass. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 21

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 364 - Senator Fitzpatrick moved **SB 364** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 367 - Senator Morigeau moved **SB 367** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 46

Nays: Hinebauch, Smith C, Vance.
Total 3

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 346 - Senator Manzella moved **SB 346** do pass. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 355 - Senator Lang moved **SB 355** do pass. Motion carried as follows:

Yeas: Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Hoven, Jacobson, McNally, Morigeau, Pomnichowski, Pope, Sands, Tempel, Webber.
Total 17

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 344 - Senator Bogner moved **SB 344** do pass.

SB 344 - Senator Esp moved **SB 344**, second reading copy, be amended as follows:

1. Title, line 12 through line 13.
Strike: line 12 in its entirety through "INSTITUTION;" on line 13

2. Page 60, line 25.
Following: "~~legislature.~~"
Insert: "(4) A state institution or correctional facility may not be moved, discontinued, or abandoned without the consent of the legislature."Amendment **adopted** as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 344 - As amended, **SB 344** passed as follows:

Yeas: Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie,

Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Mr. President.
Total 27

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber, Welborn.
Total 22

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 48

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: Welborn.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 262 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 199 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 18

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 238 passed as follows:

Yeas: Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski,

Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 37

Nays: Bogner, Cuffe, Esp, Glimm, Howard, Kary, Keenan, Lang, Smith C, Vance, Welborn, Mr. President.
Total 12

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 250 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Cuffe, Esp, Keenan, Manzella.
Total 4

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 284 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Keenan, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.

Total 18

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 212 passed as follows:

Yeas: Bennett, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, Keenan, Lang, McClafferty, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 213 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Ankney.

Total 1

Absent or not voting: None.
Total 0

SJ 15 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Esp, Keenan.
Total 2

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 243 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 164 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 20

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 358 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 16

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 142 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr.

President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No by Senator Boldman under Motions.

SB 236 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Salomon, Sands, Small, Smith C, Tempel, Vance, Webber.
Total 35

Nays: Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Howard, Kary, Keenan, Lang, Manzella, Sales, Sweeney, Welborn, Mr. President.
Total 14

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 233 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 328 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 15

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 301 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 87 passed as follows:

Yeas: Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 43

Nays: Bennett, Boland, Boldman, Pomnichowski, Pope, Webber.
Total 6

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 280 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Mr. President.
Total 26

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber, Welborn.
Total 23

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 270 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 257 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 253 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally,

Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 352 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 356 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 357 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Tempel.
Total 1

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 237 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Ankney.

Total 1

Absent or not voting: None.
Total 0

SB 239 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 261 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 47

Nays: Gross, Welborn.
Total 2

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 360 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 267 passed as follows:

Yeas: Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 314 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 316 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Gross.
Total 1

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 305 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 307 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 338 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Fox, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: Ankney.

Total 1

Absent or not voting: None.
Total 0

SB 339 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 47

Nays: Glimm, Welborn.
Total 2

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 224 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 225 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 41

Nays: Cohenour, Ellis, Fox, Gross, O'Brien, Pomnichowski, Pope, Sweeney.
Total 8

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 227 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 274 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Keenan, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales,

Sands, Small, Sweeney, Tempel, Webber, Mr. President.
Total 36

Nays: Esp, Glimm, Hinebauch, Howard, Kary, Manzella, McGillvray, Molnar, Regier K, Salomon, Smith C, Vance, Welborn.
Total 13

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 276 passed as follows:

Yeas: Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 43

Nays: Bennett, Gross, McClafferty, Morigeau, Pomnichowski, Pope.
Total 6

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 315 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 19

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 300 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 44

Nays: Gross, Jacobson, Lynch, Pomnichowski, Sweeney.
Total 5

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 337 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Ankney.

Total 1

Absent or not voting: None.
Total 0

SB 350 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 351 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 31

Nays: Brown, Cuffe, Ellsworth, Fitzpatrick, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Regier K, Smith C, Vance, Welborn, Mr. President.
Total 18

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes by Senator McClafferty under Motions.

SB 332 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber, Welborn.
Total 22

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 283 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Lynch, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 15

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 242 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gauthier, Gross,

Jacobson, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Webber.
Total 27

Nays: Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Manzella, McGillvray, Osmundson, Regier K, Small, Smith C, Vance, Welborn, Mr. President.
Total 22

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 287 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 302 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 327 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Gross, Pomnichowski.
Total 2

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 7 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 11 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 16 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 17 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 42

Nays: Cuffe, Glimm, Howard, Keenan, Manzella, Regier K, Vance.
Total 7

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 18 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 19 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally,

Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SJ 21 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 254 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Esp, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 31

Nays: Cuffe, Ellsworth, Fitzpatrick, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, McGillvray, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 18

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 272 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 303 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.

Total 1

Absent or not voting: None.
Total 0

SB 306 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gross, Jacobson, Keenan, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 22

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 317 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Gross.
Total 1

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 334 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 14

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 345 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Gross.
Total 1

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 353 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small,

Sweeney, Webber.
Total 31

Nays: Brown, Ellsworth, Esp, Fitzpatrick, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Regier K, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 18

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 361 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 365 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 372 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 309 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Howard, Keenan, McGillvray, Smith C.
Total 4

Voted absentee: None.

Excused: Ankney.

Total 1

Absent or not voting: None.
Total 0

SB 319 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 363 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 364 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Gross.
Total 1

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 367 passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Mr. President.
Total 43

Nays: Cuffe, Hinebauch, Keenan, Smith C, Vance, Welborn.
Total 6

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 346 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 355 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Hoven, Jacobson, Keenan, McNally, Morigeau, Pomnichowski, Pope, Sands, Webber.
Total 18

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

SB 344 passed as follows:

Yeas: Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Mr. President.
Total 27

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber, Welborn.

Total 22

Voted absentee: None.

Excused: Ankney.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 297** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 232** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 323** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 370** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 335** be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Boldman moved to change her third-reading vote on **SB 142** from Yes to No. Without objection, so ordered.

Senator McClafferty move to change her third-reading vote on **SB 351** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Majority Leader Smith moved the Senate adjourn until 5:00 p.m., Monday, March 8, 2021, the . forty-sixth legislative day. Motion carried.

Senate adjourned at 11:58 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FORTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 8, 2021 — State Capitol

Senate convened at 5:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Lang excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/8/2021

Signed by the Secretary of the Senate at 1:20 p.m., March 8, 2021: **SB 118**.
Signed by the President at 1:45 p.m., March 8, 2021: **SB 118**.
Signed by the Speaker at 4:35 p.m., March 8, 2021: **SB 118**.
Delivered to the Secretary of State at 9:27 a.m., March 2, 2021: **SR 44**, **SR 72**, **SR 77**, **SR 78**, **SR 79**, **SR 80**.
Delivered to the Governor for information March 2, 2021: **SR 44**, **SR 72**, **SR 77**, **SR 78**, **SR 79**, **SR 80**.

MESSAGES FROM THE GOVERNOR

March 2, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear Senator Blasdel:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the following board appointments for confirmation:

Board of Personnel Appeals
MCA § 2-15-1705

I have appointed the following person to the Board of Personnel Appeals:

Brooke Shelley, 930 West Custer, Helena, MT 59601, is appointed to serve a term commencing March 1, 2021 and ending April 1, 2026. Ms. Shelley fulfills the qualifications of public employee, active member, and replaces Clint Penny who did not qualify for the position.

I have reappointed the following person to the Board of Veterans' Affairs:

Board of Veterans' Affairs
MCA § 2-15-1205

Ryan Beston, 501 Medicine Bear Road, Poplar, MT 59255, is reappointed to serve a term commencing January 1, 2021, and ending December 31, 2024. Mr. Beston fulfills the qualifications of Tribal member.

I have appointed the following persons to the Board of County Printing:

Board of County Printing
MCA § 18-7-401

Jonathan McNiven, PO Box 130, Huntley MT 59037, is reappointed to serve a term commencing April 1, 2021 and ending March 31, 2023. Mr. McNiven fulfills the qualification of a representative of the printing industry.

David McCumber, 496-5513, Butte MT 59701, is reappointed to serve a term commencing April 1, 2021 and ending March 31, 2023. Mr. McCumber fulfills the qualification of a representative of the printing industry.

James Larson, 162 McCoy Rd, Belt MT 59412, is appointed to serve a term commencing April 1, 2021 and ending March 31, 2023. Mr. Larson fulfills the qualification of county commissioner and replaces Laura Obert who was disqualified as a member of the board.

Mary Armstrong, PO Box 431, Glasgow MT 59230, is appointed to serve a term commencing April 1, 2021. Ms. Armstrong fulfills the qualification of county commissioner and replaces Carol Booker whose term expires March 31, 2023.

If you need additional information, please call Liane Taylor, Boards and Appointments Director, at extension 4405.

Sincerely,

GREG GIANFORTE
Governor

March 8, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, MT 59601

Dear President Blasdel:

On Monday, March 8, 2021, I signed the following Senate bills:

Senate Bill 28 - Salomon
Senate Bill 56 - Ellsworth
Senate Bill 70 - Fitzpatrick

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/2/2021

HB 46, introduced by D. Bedey
HB 91, introduced by R. Farris-Olsen
HB 155, introduced by D. Lenz
HB 206, introduced by D. Bedey
HB 333, introduced by B. Usher
HB 336, introduced by B. Ler
HB 350, introduced by B. Putnam
HB 358, introduced by B. Mercer
HB 360, introduced by M. Regier
HB 364, introduced by J. Trebas
HB 378, introduced by M. Thane
HB 391, introduced by F. Fleming
HB 396, introduced by J. Kassmier
HB 402, introduced by S. Galloway
HB 406, introduced by M. Noland
HB 423, introduced by D. Lenz
HB 433, introduced by B. Ler
HB 440, introduced by W. Curdy
HB 446, introduced by R. Marshall
HB 447, introduced by B. Mercer

HB 449, introduced by F. Garner
HB 450, introduced by S. Gunderson
HB 475, introduced by D. Skees
HB 477, introduced by K. Zolnikov
HB 479, introduced by K. Sullivan
HB 481, introduced by S. Gunderson
HB 484, introduced by J. Gillette
HB 487, introduced by J. Windy Boy
HB 494, introduced by D. Harvey
HB 495, introduced by M. Caferro
HB 496, introduced by B. Mercer
HB 497, introduced by B. Mercer
HB 498, introduced by S. Gunderson
HB 499, introduced by J. Trebas
HB 501, introduced by J. Trebas
HB 502, introduced by L. Sheldon-Galloway
HB 504, introduced by C. Knudsen
HB 506, introduced by P. Fielder
HB 510, introduced by S. Gunderson
HB 516, introduced by D. Harvey
HB 517, introduced by B. Mercer
HB 519, introduced by K. Zolnikov
HB 520, introduced by M. Marler
HB 526, introduced by J. Read
HB 527, introduced by F. Nave
HB 537, introduced by B. Mercer
HB 539, introduced by B. Usher
HB 541, introduced by S. Galloway
HB 543, introduced by B. Phalen
HB 548, introduced by J. Patelis
HB 549, introduced by S. Kerns
HB 553, introduced by J. Patelis
HB 554, introduced by J. Kassmier
HB 558, introduced by M. Noland
HB 559, introduced by B. Mercer
HB 562, introduced by J. Dooling
HB 564, introduced by M. Noland
HB 566, introduced by T. Welch
HB 572, introduced by D. Skees
HB 574, introduced by D. Lenz
HB 576, introduced by J. Schillinger
HB 578, introduced by T. Moore
HB 580, introduced by T. Running Wolf
HB 586, introduced by S. Galloway

HB 588, introduced by C. Knudsen
HB 590, introduced by S. Kerns
HB 594, introduced by J. Read
HB 598, introduced by K. Whitman
HB 599, introduced by S. Gunderson
HB 602, introduced by M. Stromswold
HB 604, introduced by S. Novak
HB 608, introduced by S. Galloway
HB 610, introduced by R. Whiteman Pena
HB 611, introduced by R. Fitzgerald
HB 614, introduced by M. Caferro
HB 616, introduced by M. Hopkins
HB 618, introduced by W. McKamey

House joint resolutions passed and transmitted to the Senate for concurrence: 3/2/2021

HJ 14, introduced by F. Garner
HJ 15, introduced by M. Marler
HJ 16, introduced by N. Duram
HJ 17, introduced by M. Marler
HJ 19, introduced by M. Bertoglio
HJ 21, introduced by L. Bishop

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 46, introduced by D. Bedey (by request of the Legislative Finance Committee), referred to Education and Cultural Resources.
HB 91, introduced by R. Farris-Olsen (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 155, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
HB 206, introduced by D. Bedey, referred to Education and Cultural Resources.
HB 333, introduced by B. Usher, referred to Judiciary.
HB 336, introduced by B. Ler, F. Smith, D. Skees, J. Read, R. Osmundson, D. Kary, J. Esp, C. Smith, G. Vance, M. Blasdel, D. Ankney, L. Jones, G. Hertz, W. Galt, S. Berglee, J. Hinkle, K. Holmlund, M. Noland, B. Tschida, S. Hinebauch, S. Gunderson, D. Bartel, C. Knudsen, B. Usher, S. Vinton, B. Beard, J. Ellsworth, R. Knudsen, J. Dooling, K. Bogner, J. Kassmier, T. Moore, B. Phalen, J. Carlson, K. Zolnikov, B. Mitchell, A. Regier, P. Fielder, S. Galloway, S. Gist, J. Schillinger, K. Seekins-Crowe, M. Malone, J. Gillette, C. Hinkle, M. Binkley, R. Marshall, referred to Agriculture, Livestock and Irrigation.
HB 350, introduced by B. Putnam, D. Salomon, M. Blasdel, F. Garner, S. Vinton, N. Duram, referred to Highways and Transportation.

HB 358, introduced by B. Mercer, J. Esp, referred to Judiciary.
HB 360, introduced by M. Regier, referred to Business, Labor, and Economic Affairs.
HB 364, introduced by J. Trebas, referred to Public Health, Welfare and Safety.
HB 378, introduced by M. Thane, referred to Business, Labor, and Economic Affairs.
HB 391, introduced by F. Fleming, referred to Judiciary.
HB 396, introduced by J. Kassmier, referred to Agriculture, Livestock and Irrigation.
HB 402, introduced by S. Galloway, J. Read, S. Fitzpatrick, M. Blasdel, G. Hertz, S. Berglee, F. Garner, L. Sheldon-Galloway, J. Trebas, B. Usher, J. Patelis, N. Duram, J. Fuller, J. Kassmier, B. Phalen, F. Nave, L. Brewster, A. Regier, S. Gist, E. Hill, J. Schillinger, M. Malone, J. Gillette, C. Hinkle, M. Binkley, R. Marshall, referred to Judiciary.
HB 406, introduced by M. Noland, referred to State Administration.
HB 423, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
HB 433, introduced by B. Ler, W. Galt, S. Hinebauch, J. Kassmier, B. Phalen, referred to Agriculture, Livestock and Irrigation.
HB 440, introduced by W. Curdy, referred to Business, Labor, and Economic Affairs.
HB 446, introduced by R. Marshall, referred to Business, Labor, and Economic Affairs.
HB 447, introduced by B. Mercer, referred to State Administration.
HB 449, introduced by F. Garner, M. Blasdel, D. Fern, J. Fuller, B. Mercer, referred to Judiciary.
HB 450, introduced by S. Gunderson, M. Noland, referred to Local Government.
HB 475, introduced by D. Skees, referred to Energy and Telecommunications.
HB 477, introduced by K. Zolnikov, J. Hinkle, D. Loge, J. Kassmier, T. Moore, L. Brewster, M. Stromswold, referred to Public Health, Welfare and Safety.
HB 479, introduced by K. Sullivan, B. Bennett, C. Knudsen, K. Bogner, P. Flowers, referred to Judiciary.
HB 481, introduced by S. Gunderson, referred to Judiciary.
HB 484, introduced by J. Gillette, referred to Public Health, Welfare and Safety.
HB 487, introduced by J. Windy Boy, M. Caferro, M. Weatherwax, T. France, referred to Public Health, Welfare and Safety.
HB 494, introduced by D. Harvey, F. Smith, J. Windy Boy, M. Caferro, J. Keane, S. Stewart Peregoy, R. Lynch, M. Funk, K. Kelker, D. Fern, K. Abbott, E. Boldman, E. Kerr-Carpenter, M. Weatherwax, T. Running Wolf, M. Marler, K. Sullivan, E. Stafman, A. Buckley, S. Novak, T. France, M. Thane, referred to Energy and Telecommunications.
HB 495, introduced by M. Caferro, referred to Public Health, Welfare and Safety.
HB 496, introduced by B. Mercer, referred to Local Government.
HB 497, introduced by B. Mercer, referred to State Administration.
HB 498, introduced by S. Gunderson, referred to Natural Resources.
HB 499, introduced by J. Trebas, D. Lenz, M. Hopkins, referred to Judiciary.
HB 501, introduced by J. Trebas, referred to Judiciary.
HB 502, introduced by L. Sheldon-Galloway, referred to Public Health, Welfare and Safety.
HB 504, introduced by C. Knudsen, M. Blasdel, W. Galt, B. Tschida, J. Ellsworth, J. Schillinger, referred to Judiciary.
HB 506, introduced by P. Fielder, referred to State Administration.
HB 510, introduced by S. Gunderson, referred to Business, Labor, and Economic Affairs.
HB 516, introduced by D. Harvey, T. Welch, A. Buckley, referred to Taxation.

HB 519, introduced by K. Zolnikov, E. Buttrey, D. Skees, R. Osmundson, M. Blasdel, G. Hertz, T. Jacobson, D. Lenz, W. Galt, S. Berglee, F. Garner, V. Ricci, S. Hinebauch, S. Gunderson, D. Loge, L. Sheldon-Galloway, J. Trebas, C. Knudsen, J. Patelis, S. Vinton, F. Fleming, N. Duram, J. Fuller, R. Knudsen, J. Kassmier, D. Bedey, B. Ler, B. Phalen, P. Fielder, S. Kerns, S. Galloway, E. Hill, J. Schillinger, M. Stromswold, J. Gillette, C. Hinkle, G. Frazer, M. Binkley, R. Marshall, C. Friedel, referred to Judiciary.
HB 520, introduced by M. Marler, referred to Judiciary.
HB 526, introduced by J. Read, D. Skees, D. Loge, B. Phalen, P. Fielder, S. Gist, J. Schillinger, referred to Taxation.
HB 527, introduced by F. Nave, referred to Local Government.
HB 537, introduced by B. Mercer, referred to Judiciary.
HB 539, introduced by B. Usher, referred to Judiciary.
HB 541, introduced by S. Galloway, K. Whitman, referred to Judiciary.
HB 543, introduced by B. Phalen, J. Schillinger, referred to Education and Cultural Resources.
HB 548, introduced by J. Patelis, W. Galt, referred to Business, Labor, and Economic Affairs.
HB 549, introduced by S. Kerns, S. Berglee, F. Garner, V. Ricci, R. Fitzgerald, B. Usher, J. Fuller, B. Phalen, S. Gist, M. Bertoglio, G. Frazer, referred to Public Health, Welfare and Safety.
HB 553, introduced by J. Patelis, A. Buckley, referred to Judiciary.
HB 554, introduced by J. Kassmier, referred to Natural Resources.
HB 558, introduced by M. Noland, referred to Business, Labor, and Economic Affairs.
HB 559, introduced by B. Mercer, referred to Judiciary.
HB 562, introduced by J. Dooling, referred to Highways and Transportation.
HB 564, introduced by M. Noland, J. Hinkle, B. Usher, A. Regier, referred to Business, Labor, and Economic Affairs.
HB 566, introduced by T. Welch, referred to Business, Labor, and Economic Affairs.
HB 574, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
HB 576, introduced by J. Schillinger, referred to Energy and Telecommunications.
HB 578, introduced by T. Moore, K. Regier, T. Jacobson, D. Lenz, R. Lynch, F. Garner, K. Kelker, B. Usher, S. Vinton, F. Fleming, E. Kerr-Carpenter, B. Mercer, A. Regier, M. Stromswold, E. Stafman, A. Buckley, C. Friedel, referred to Judiciary.
HB 580, introduced by T. Running Wolf, F. Smith, G. Custer, W. McKamey, J. Dooling, B. Putnam, L. Reksten, G. Frazer, referred to State Administration.
HB 586, introduced by S. Galloway, E. Buttrey, J. Read, M. Noland, S. Gunderson, D. Loge, R. Fitzgerald, L. Sheldon-Galloway, J. Trebas, C. Knudsen, S. Vinton, N. Duram, R. Knudsen, B. Mercer, K. Zolnikov, P. Fielder, S. Gist, K. Seekins-Crowe, S. Novak, referred to Highways and Transportation.
HB 588, introduced by C. Knudsen, D. Kary, M. Blasdel, G. Hertz, W. Galt, S. Vinton, J. Ellsworth, referred to State Administration.
HB 590, introduced by S. Kerns, referred to State Administration.
HB 594, introduced by J. Read, F. Smith, S. Gunderson, J. Fuller, P. Fielder, S. Gist, J. Schillinger, C. Hinkle, referred to Natural Resources.
HB 598, introduced by K. Whitman, E. Buttrey, A. Buckley, referred to Highways and Transportation.
HB 599, introduced by S. Gunderson, J. Welborn, D. Ankney, referred to Natural Resources.

HB 602, introduced by M. Stromswold, C. Knudsen, referred to Judiciary.
HB 604, introduced by S. Novak, F. Garner, referred to Local Government.
HB 608, introduced by S. Galloway, referred to Highways and Transportation.
HB 610, introduced by R. Whiteman Pena, F. Smith, J. Windy Boy, S. Stewart Peregoy, J. Hinkle, L. Sheldon-Galloway, J. Trebas, E. Boldman, J. Small, E. Kerr-Carpenter, T. Running Wolf, M. Marler, E. Stafman, A. Buckley, K. Walsh, D. Hawk, M. Binkley, R. Marshall, S. O'Brien, referred to Highways and Transportation.
HB 611, introduced by R. Fitzgerald, referred to Education and Cultural Resources.
HB 614, introduced by M. Caferro, referred to Business, Labor, and Economic Affairs.
HB 616, introduced by M. Hopkins, B. Tschida, referred to Taxation.
HB 618, introduced by W. McKamey, D. Skees, K. Holmlund, R. Fitzgerald, S. Vinton, referred to State Administration.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 14, introduced by F. Garner, J. Welborn, referred to Energy and Telecommunications.
HJ 15, introduced by M. Marler, J. Trebas, T. Welch, M. Weatherwax, referred to Natural Resources.
HJ 16, introduced by N. Duram, B. Ler, K. Seekins-Crowe, referred to Energy and Telecommunications.
HJ 17, introduced by M. Marler, W. Curdy, R. Fitzgerald, R. Knudsen, B. Putnam, S. Galloway, S. Gist, M. Malone, K. Walsh, T. France, referred to Agriculture, Livestock and Irrigation.
HJ 19, introduced by M. Bertoglio, E. Buttrey, B. Molnar, G. Custer, D. Fern, S. Vinton, B. Gillespie, B. Mercer, S. Greef, S. Gist, E. Hill, J. Schillinger, A. Buckley, K. Whitman, referred to Public Health, Welfare and Safety.
HJ 21, introduced by L. Bishop, F. Smith, S. Berglee, F. Garner, B. Usher, J. Fuller, M. Weatherwax, D. Bedey, S. Kerns, M. Bertoglio, G. Frazer, referred to State Administration.

The following House bills were introduced and read first time:

HB 517, introduced by B. Mercer.
HB 572, introduced by D. Skees.

The following House bills, previously introduced, were referred to committees:

HB 57, introduced by D. Lenz (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.
HB 90, introduced by D. Lenz (by request of the Children, Families, Health, and Human Services Interim Committee, the State-Tribal Relations Committee), referred to Public Health, Welfare and Safety.
HB 92, introduced by K. Kelker (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 121, introduced by D. Bedey, J. Ellsworth, referred to Business, Labor, and Economic Affairs.
HB 230, introduced by M. Regier, D. Skees, J. Read, R. Osmundson, T. McGillvray, K. Regier, C. Smith, M. Blasdel, L. Jones, B. Keenan, G. Hertz, B. Brown, J. Hinkle, T. Manzella, S. Hinebauch,

J. Trebas, C. Knudsen, S. Vinton, M. Hopkins, J. Ellsworth, R. Knudsen, K. Bogner, B. Ler, J. Carlson, B. Mitchell, A. Regier, S. Kerns, J. Gillette, C. Hinkle, R. Marshall, referred to Judiciary.
HB 233, introduced by F. Anderson, M. McNally, E. McClafferty, M. Caferro, B. Bennett, C. Boland, C. Smith, J. Pomnichowski, D. Sands, B. Molnar, T. Jacobson, R. Lynch, M. Funk, W. McKamey, C. Pope, S. Vinton, K. Abbott, S. Morigeau, E. Kerr-Carpenter, S. Greef, P. Flowers, B. Mitchell, A. Buckley, S. O'Brien, referred to Education and Cultural Resources.
HB 258, introduced by J. Hinkle, D. Skees, J. Read, D. Kary, D. Howard, C. Smith, G. Vance, M. Blasdel, B. Molnar, C. Glimm, W. Galt, S. Berglee, B. Brown, T. Manzella, S. Hinebauch, S. Gunderson, D. Loge, F. Anderson, L. Sheldon-Galloway, J. Trebas, B. Usher, S. Vinton, B. Beard, T. Gauthier, J. Ellsworth, J. Dooling, K. Bogner, B. Gillespie, T. Moore, D. Bedey, B. Ler, B. Phalen, J. Carlson, A. Regier, P. Fielder, S. Galloway, E. Hill, K. Seekins-Crowe, M. Stromswold, J. Gillette, C. Hinkle, M. Binkley, R. Marshall, K. Whitman, C. Friedel, referred to Judiciary.
HB 264, introduced by R. Fitzgerald, J. Hamilton, referred to Highways and Transportation.
HB 285, introduced by J. Trebas, G. Vance, M. Blasdel, C. Glimm, W. Galt, S. Berglee, B. Brown, C. Knudsen, J. Small, J. Ellsworth, K. Bogner, J. Kassmier, K. Zolnikov, M. Stromswold, C. Hinkle, R. Marshall, referred to Judiciary.
HB 289, introduced by M. Regier, E. Buttrey, D. Salomon, D. Kary, J. Keane, K. Regier, C. Smith, G. Vance, J. Welborn, M. Blasdel, D. Ankney, C. Glimm, G. Hertz, S. Berglee, B. Tschida, B. Usher, J. Patelis, J. Small, J. Ellsworth, D. Harvey, A. Regier, S. Galloway, K. Seekins-Crowe, referred to Business, Labor, and Economic Affairs.
HB 291, introduced by M. Funk, referred to Public Health, Welfare and Safety.
HB 300, introduced by J. Schillinger, referred to Highways and Transportation.
HB 307, introduced by J. Gillette, referred to Public Health, Welfare and Safety.
HB 328, introduced by C. Keogh, referred to Public Health, Welfare and Safety.
HB 373, introduced by K. Holmlund, E. Buttrey, J. Keane, D. Ankney, R. Lynch, F. Garner, J. Small, M. Hopkins, J. Dooling, E. Kerr-Carpenter, K. Bogner, D. Bedey, referred to Finance and Claims.
HB 374, introduced by K. Holmlund, E. Buttrey, J. Keane, D. Ankney, R. Lynch, F. Garner, J. Small, M. Hopkins, J. Dooling, K. Bogner, D. Bedey, referred to Finance and Claims.
HB 425, introduced by J. Schillinger, referred to Finance and Claims.
HB 428, introduced by B. Mercer, referred to Judiciary.
HB 435, introduced by B. Mercer, S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
HB 437, introduced by J. Keane, referred to Business, Labor, and Economic Affairs.
HB 438, introduced by S. Galloway, F. Smith, E. Buttrey, M. Cuffe, D. Skees, D. Salomon, J. Read, S. Fitzpatrick, D. Kary, J. Windy Boy, J. Esp, T. McGillvray, J. Keane, D. Howard, K. Regier, J. Welborn, B. Hoven, M. Blasdel, D. Ankney, J. Cohenour, B. Keenan, G. Hertz, D. Lenz, W. Galt, S. Berglee, B. Brown, W. Curdy, M. Funk, F. Garner, J. Hinkle, W. McKamey, M. Noland, V. Ricci, B. Tschida, S. Hinebauch, S. Gunderson, D. Fern, D. Loge, L. Sheldon-Galloway, J. Trebas, D. Bartel, C. Knudsen, B. Usher, J. Patelis, S. Vinton, T. Welch, T. Gauthier, M. Hopkins, N. Duram, J. Fuller, R. Knudsen, J. Dooling, D. Harvey, E. Kerr-Carpenter, M. Weatherwax, K. Bogner, B. Gillespie, J. Kassmier, B. Mercer, T. Moore, D. Bedey, S. Greef, M. Marler, B. Ler, B. Phalen, R. Whiteman Pena, F. Nave, L. Brewster, K. Zolnikov, B. Mitchell, L. Reksten, P. Fielder, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Stromswold, M. Malone, E. Stafman, J. Gillette, C. Hinkle, K. Walsh, M. Bertoglio, D. Hawk, S. Novak, G. Frazer, M. Binkley, R. Marshall, T. France, K. Whitman, M. Thane, referred to Highways and Transportation.

HB 444, introduced by E. Buttrey, F. Garner, referred to Local Government.
HB 448, introduced by J. Kassmier, F. Garner, T. Welch, M. Hopkins, R. Tempel, B. Ler, B. Phalen, L. Brewster, K. Zolnikov, P. Fielder, M. Malone, referred to Energy and Telecommunications.
HB 454, introduced by V. Ricci, referred to Education and Cultural Resources.
HB 459, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
HB 462, introduced by M. Stromswold, E. Buttrey, W. Galt, L. Sheldon-Galloway, C. Knudsen, B. Usher, R. Knudsen, J. Carlson, referred to Highways and Transportation.
HB 463, introduced by J. Trebas, referred to Judiciary.
HB 469, introduced by S. Novak, referred to State Administration.
HB 472, introduced by M. Regier, S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
HB 476, introduced by K. Whitman, F. Garner, D. Loge, J. Trebas, D. Bedey, L. Brewster, S. Kerns, S. Galloway, E. Hill, C. Hinkle, M. Binkley, referred to Highways and Transportation.
HB 478, introduced by D. Harvey, referred to Judiciary.
HB 480, introduced by B. Mercer, referred to Judiciary.
HB 482, introduced by S. Gunderson, referred to Highways and Transportation.
HB 483, introduced by C. Knudsen, D. Kary, C. Smith, G. Vance, M. Blasdel, J. Cohenour, W. Galt, S. Berglee, B. Tschida, D. Bartel, S. Vinton, B. Beard, K. Abbott, J. Kassmier, A. Buckley, referred to State Administration.
HB 491, introduced by M. Funk, referred to State Administration.
HB 503, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
HB 509, introduced by D. Tenenbaum, referred to Judiciary.
HB 530, introduced by W. McKamey, E. Buttrey, D. Skees, S. Fitzpatrick, D. Howard, C. Smith, G. Vance, J. Welborn, D. Ankney, L. Jones, C. Glimm, G. Hertz, W. Galt, S. Berglee, F. Garner, J. Hinkle, V. Ricci, D. Loge, C. Knudsen, B. Usher, S. Vinton, T. Welch, B. Beard, N. Duram, J. Fuller, B. Gillespie, J. Kassmier, B. Mercer, S. Greef, L. Brewster, K. Zolnikov, L. Reksten, S. Gist, J. Schillinger, M. Stromswold, C. Hinkle, K. Walsh, M. Bertoglio, G. Frazer, referred to State Administration.
HB 555, introduced by M. Regier, S. Fitzpatrick, B. Mercer, referred to Judiciary.
HB 556, introduced by K. Walsh, J. Welborn, T. Welch, D. Bedey, referred to Education and Cultural Resources.

MOTIONS

Majority Leader Smith moved that **HB 63** be taken from the second reading board and re-referred to the Business, Labor and Economic Affairs Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, March 9, 2021, the forty-seventh legislative day. Motion carried.

Senate adjourned at 5:06 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FORTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 9, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators McNally and Molnar excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/9/2021

Correctly enrolled: **SB 140**.
Examined by the sponsor and found to be correct: **SB 140**.
Delivered to the Secretary of State at 10:24 a.m., March 9, 2021: **SR 75**.
Delivered to the Governor for information, March 9, 2021: **SR 75**.
Delivered to the Governor for signature at 12:11 p.m., March 9, 2021: **SB 118**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/9/2021
SR 33, be adopted.

JUDICIARY (Regier, Chair): 3/9/2021
HB 164, be concurred in.
HB 200, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 9, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Blasdel:

On Tuesday, March 2, 2021, I signed the following Senate bills:

Senate Bill 9 - Tempel
Senate Bill 50 - Sands

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 22, introduced by E. McClafferty, referred to Public Health, Welfare and Safety.

Senator Molnar joined the Senate at this time.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Esp in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 41 - Senator Salomon moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 41**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: McNally.
Total 1

Absent or not voting: None.
Total 0

Senator McNally joined the Senate at this time.

SR 81 - Senator Welborn moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 81**. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 93 - Senator Sales moved **HB 93** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 19 - Senator Fitzpatrick moved **HB 19** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Howard, Lang, McGillvray, Smith C.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 64 - Senator Small moved **HB 64** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Esp, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Howard, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 37

Nays: Brown, Ellsworth, Fitzpatrick, Friedel, Glimm, Hinebauch, Hoven, Kary, Manzella, Sales, Smith C, Vance, Mr. President.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 65 - Senator Gauthier moved **HB 65** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 199 - Senator Boland moved **HB 199** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 41

Nays: Brown, Cuffe, Glimm, Hinebauch, Keenan, Manzella, Osmundson, Smith C, Vance.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 234 - Senator McGillvray moved **HB 234** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Keenan.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 180 - Senator Small moved **HB 180** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 210 - Senator Small moved **HB 210** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 36

Nays: Bogner, Brown, Cuffe, Esp, Glimm, Howard, Kary, Keenan, Manzella, McGillvray, Regier K, Smith C, Vance, Mr. President.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 117 - Senator Fitzpatrick moved **HB 117** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Keenan.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Esp moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

The Senate viewed a film of Representative Kelly Flynn's sine die speech which closed the 2017 special legislative session. Representative Flynn served in the Montana House of Representatives from 2010 through 2018. He died March 3, 2021, in Helena, Montana.

Senator Kary introduced the Pages for the coming week:

Emma Wickum, from Chester, Montana, sponsored by Senator Tempel
Caden Murphy from Colstrip, Montana, sponsored by Senator Ankney

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

President Blasdel announced the legislative calendar will be updated soon to reflect some changes regarding to Saturday sessions.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, March 10, 2021, the forty-eighth legislative day. Motion carried.

Senate adjourned at 1:53 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FORTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 10, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Gross excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/10/2021

Correctly printed: **SJ 22**, **SR 33**, **SR 41**, **SR 81**, **HB 19**, **HB 64**, **HB 65**, **HB 93**, **HB 117**, **HB 164**, **HB 180**, **HB 199**, **HB 200**, **HB 210**, **HB 234**.
Examined by the sponsor and found to be correct: **SB 15**.
Signed by the Secretary of the Senate at 2:55 p.m., March 9, 2021: **SB 140**.
Signed by the Secretary of the Senate at 9:55 a.m., March 10, 2021: **SB 15**.
Signed by the President at 3:15 p.m., March 9, 2021: **SB 140**.
Signed by the President at 10:45 a.m., March 10, 2021: **SB 15**.
Signed by the Speaker at 9:05 a.m., March 10, 2021: **SB 140**.
Delivered to the Governor for signature at 9:54 a.m., March 10, 2021: **SB 140**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/9/2021
SR 32, introduced resolution, be amended as follows:

1. Page 1, line 11 through line 15.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

And, as amended, be adopted.

JUDICIARY (Regier, Chair): 3/10/2021
HB 36, be concurred in.
HB 313, be amended as follows:

1. Page 4, line 5.
Following: "system"
Insert: ", if implemented and operational by the local agency"

2. Page 4, line 8.
Following: "information"

Insert: ", excluding confidential criminal justice information and any other investigative material not necessary to determine cause or manner of death until the case is closed or charges are filed"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 84, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 85, introduced by D. Kary, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Glimm in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 28 - Majority Leader Smith moved consideration of **HB 28** be passed for the day. Without objection, so ordered.

HB 75 - Senator Vance moved **HB 75** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Cuffe, Esp, Glimm, Hinebauch, Manzella, Regier K.
Total 6

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: Molnar.
Total 1

HB 105 - Senator K. Regier moved **HB 105** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 73 - Senator Lynch moved **HB 73** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Mr. President.
Total 47

Nays: Vance, Welborn.
Total 2

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 144 - Senator Brown moved **HB 144** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: McClafferty, Pomnichowski, Pope.
Total 3

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 116 - Senator McGillvray moved **HB 116** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 104 - Senator Esp moved **HB 104** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 52 - Senator Hoven moved **HB 52** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 53 - Senator Hertz moved **HB 53** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 263 - Senator Cuffe moved **SB 263** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 288 - Senator Sales moved **SB 288** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 114 - **House Amendments** - Senator Ellsworth moved House amendments to **SB 114** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 46

Nays: McClafferty, Pomnichowski, Webber.
Total 3

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 214 - Senator Hertz moved **SB 214** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 21

Voted absentee: Gross, No.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee

arose. Senate resumed. President Blasdel presiding.

Chair Glimm moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 42

Nays: Bennett, Boland, Cohenour, McClafferty, McNally, Morigeau, Webber.
Total 7

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 19 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 44

Nays: Cuffe, Esp, Hinebauch, McGillvray, Smith C.
Total 5

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 64 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Jacobson, Keenan, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Salomon, Sands, Small, Sweeney, Webber.
Total 27

Nays: Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Manzella, McGillvray, Osmundson, Sales, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 22

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 65 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 93 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 117 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 180 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 199 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Hertz, Hoven, Howard, Jacobson, Kary, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 35

Nays: Brown, Cuffe, Ellsworth, Esp, Friedel, Glimm, Hinebauch, Keenan, Lang, Manzella, Osmundson, Smith C, Vance, Mr. President.
Total 14

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 210 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Hoven, Jacobson, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 30

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Welborn, Mr. President.
Total 19

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No made by Senator Ellsworth under Motions the next legislative day.

HB 234 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Esp, Hinebauch, Keenan.
Total 3

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **HB 73**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 263**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, March 11, 2021, the forty-ninth legislative day. Motion carried.

Senate adjourned at 1:59 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FORTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 11, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/11/2021

Correctly printed: **SB 214**, **SB 263**, **SB 288**, **SR 84**, **SR 85**, **HB 36**, **HB 52**, **HB 53**, **HB 73**, **HB 75**, **HB 104**, **HB 105**, **HB 116**, **HB 144**.
Correctly engrossed: **SR 32**, **HB 313**.
Correctly enrolled: **SR 41**, **SR 81**.
Examined by the sponsor and found to be correct: **SR 41**, **SR 81**.
Transmitted to the House: **HB 19**, **HB 64**, **HB 65**, **HB 93**, **HB 117**, **HB 180**, **HB 199**, **HB 210**, **HB 234**.
Signed by the Speaker at 3:00 p.m., March 10, 2021: **SB 15**.
Delivered to the Governor for signature at 8:30 a.m., March 11, 2021: **SB 15**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/11/2021
SB 308, do pass.
SJ 13, introduced joint resolution, be amended as follows:

1. Page 1, line 13.
Following: "taxpayers"
Insert: ", workforce, and statewide and local economies"

2. Page 1, line 25.
Following: "complaints;"
Strike: "and"

3. Page 1.
Following: line 25
Insert: "(e) the effects of prevailing wage laws on Montana's overall labor force earnings;
(f) prevailing wage laws' impacts on Montana's statewide and local economies;
(g) the effect of altering prevailing wage laws and public work contract law on Montana-based contractors' ability to secure public contracts;
(h) the role, if any, that prevailing wage laws play in maximizing Montana's public dollars

throughout the Montana economy; and"
Renumber: subsequent subsections

And, as amended, do pass.

HB 198, be concurred in.
HB 213, be concurred in.
HB 232, be concurred in.
HB 254, be concurred in.
HB 282, be concurred in.
HB 283, be concurred in.
HB 290, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/10/2021
SR 83, be adopted.

NATURAL RESOURCES (Welborn, Chair): 3/10/2021
HB 40, be concurred in.

STATE ADMINISTRATION (Kary, Chair): 3/10/2021
HB 22, be concurred in.
HB 29, be concurred in.
HB 76, be concurred in.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORT

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/11/2021
SR 54, be **not** adopted.

Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

March 11, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301 and -302, I submit to you and the Montana Senate the following board appointments for confirmation.

Board of Crime Control
MCA § 2-15-2306

I have appointed the following persons to the Board of Crime Control:

- **Amy Tenney**, atenney@boydandrew.com, Helena MT 59601 has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Ms. Tenney fulfills the qualifications of treatment and recovery and replaces Laura Obert whose term expired January 3, 2021.
- **Jared Cobell**, Great Falls MT, 59405 has been reappointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Cobell fulfills the qualifications of a tribal member.
- **Shantelle Gaynor**, 605 Woodford, Missoula MT 59801 has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Ms. Gaynor fulfills the qualifications of prevention and replaces Geri Small whose term expired January 3, 2021.
- **Michael Sanders**, 1928 Ambrose Court, Helena MT 59801 has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Sanders fulfills the qualifications of a law enforcement officer and replaces William Dial whose term expired January 3, 2021.
- **Terry Boyd**, 202 Prospectors #8, Billings MT 59101 has been appointed to serve a term commending January 4, 2021 and ending January 5, 2025. Mr. Boyd fulfills the qualifications of a law enforcement officer and replaces Katie Campbell whose term expired January 3, 2021.
- **Wyatt Glade**, 3080 Highway 59 S, Miles City, MT 59301 is reappointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Glade fulfills the attorney requirement.

- **Wyatt English**, 611 Felton, Miles City, MT 59301 has been appointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. English fulfills the juvenile delinquency qualifications and replaces Tim Brurud whose term expired January 3, 2021.
- **Leo Dutton**, 406 Fuller Avenue, Helena MT 59601 is reappointed to serve a term commencing January 4, 2021 and ending January 5, 2025. Mr. Dutton fulfills the law enforcement qualification.
- **Meaghan Mulcahy**, 3403 Neighborly Lane, Butte MT 59701 is appointed to serve a term commencing March 11, 2021 and ending January 5, 2025. Ms. Mulcany fulfills the public representative qualification and replaces Olivia Regier whose term expired January 3, 2021.
- **Hon. Kaydee Ruiz**, 315 4th St., Havre MT 59501 was appointed to serve a term ending January 1, 2023. Ms. Ruiz fulfills the judiciary requirement.
- **Rhonda Lindquist**, 444-9049, Helena MT was appointed to serve a term ending January 1, 2023. Ms. Lindquist fulfills the crinimal justice agencv requirement.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/10/2021

HB 247, introduced by M. Bertoglio
HB 305, introduced by S. Berglee
HB 346, introduced by T. Welch

House joint resolutions passed and transmitted to the Senate for concurrence: 3/10/2021

HJ 6, introduced by D. Fern
HJ 8, introduced by F. Garner

Senate amendments to House bills concurred in: 3/10/2021

HB 103, introduced by W. Curdy
HB 193, introduced by J. Patelis

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 86, introduced by D. Kary, referred to State Administration.
SR 87, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.
SR 88, introduced by S. Hinebauch, referred to Fish and Game.
SR 89, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time, and referred to committees:

HB 247, introduced by M. Bertoglio, referred to Highways and Transportation.
HB 305, introduced by S. Berglee, R. Farris-Olsen, referred to Fish and Game.
HB 346, introduced by T. Welch, referred to Taxation.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 6, introduced by D. Fern, G. Custer, F. Garner, J. Hamilton, T. Welch, J. Fuller, D. Bedey, S. Greef, M. Marler, referred to Taxation.
HJ 8, introduced by F. Garner, S. Fitzpatrick, G. Vance, M. Blasdel, D. Fern, R. Fitzgerald, J. Hamilton, D. Harvey, B. Mercer, T. Moore, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hertz in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 28 - Senator Gross moved **HB 28** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 33 - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 33**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 275 - Senator Welborn moved **SB 275** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Keenan, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 80 - Senator Small moved **HB 80** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 197 - Senator Fitzpatrick moved **HB 197** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 44

Nays: Cuffe, Esp, Keenan, McGillvray, Smith C, Tempel.
Total 6

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 96 - Senator Small moved **HB 96** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 48 - Senator Brown moved **HB 48** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 108 - Senator Brown moved **HB 108** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Cuffe.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 120 - Senator Brown moved **HB 120** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 119 - Senator Jacobson moved **HB 119** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 138 - Senator Brown moved **HB 138** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 45

Nays: McClafferty, Morigeau, O'Brien, Pomnichowski, Webber.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 215 - Senator K. Regier moved **HB 215** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 38 - Senator McNally moved **HB 38** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Hertz moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 114, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 45

Nays: Ellis, McClafferty, Pomnichowski, Pope, Webber.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 214 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include changes of votes from Yes to No by Senators Lynch, Sands, and Sweeney under Motions.

SB 288 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 52 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 53 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 75 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 40

Nays: Brown, Cuffe, Ellsworth, Esp, Glimm, Hinebauch, Keenan, Manzella, Regier K, Welborn.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 104 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: Lynch.
Total 1

HB 105 concurred in as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Vance, Mr. President.
Total 30

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Keenan, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Tempel, Webber, Welborn.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 116 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 144 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 45

Nays: Gross, McClafferty, Pomnichowski, Pope, Webber.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Sands moved to change her third-reading vote on **SB 214** from Yes to No. Without objection, so ordered.

Senator Ellsworth moved to change his third-reading vote on **HB 210** from the previous legislative day, from Yes to No. Without objection, so ordered.

Senator Sweeney moved to change his third-reading vote on **SB 214** from Yes to No. Without objection, so ordered.

Senator Lynch moved to change his third-reading vote on **SB 214** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Friday, March 12, 2021, the fiftieth legislative day. Motion carried.

Senate adjourned at 2:10 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FIFTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 12, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/12/2021
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the thirty-sixth through the forty-third legislative days, find the same to be correct.

Correctly printed: **SB 275**, **SB 308**, **SR 33**, **SR 83**, **SR 86**, **SR 87**, **SR 88**, **SR 89**, **HB 22**, **HB 28**, **HB 29**, **HB 38**, **HB 40**, **HB 48**, **HB 76**, **HB 80**, **HB 96**, **HB 108**, **HB 119**, **HB 120**, **HB 138**, **HB 197**, **HB 198**, **HB 213**, **HB 215**, **HB 232**, **HB 254**, **HB 282**, **HB 283**, **HB 290**.
Correctly engrossed: **SJ 13**.
Correctly enrolled: **SB 114**.
Transmitted to the House: **SB 214**, **SB 288**, **HB 52**, **HB 53, HB 75**, **HB 104**, **HB 105**, **HB 116**, **HB 144**.
Signed by the Secretary of the Senate at 2:25 p.m., March 11, 2021: **SR 41**, **SR 81**.
Signed by the President at 4:00 a.m., March 11, 2021: **SR 41**, **SR 81**.
Delivered to the Secretary of State at 3:06 p.m., March 12, 2021: **SR 41**, **SR 81**.
Delivered to the Governor for information March 12, 2021: **SR 41**, **SR 81**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Lang, Chair): 3/11/2021
HB 294, be concurred in.
HJ 7, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 3/12/2021
SB 297, do pass.
SB 335, do pass.
SB 370, do pass.
HB 13, be concurred in.
HB 373, be concurred in.
HB 374, be concurred in.
HB 425, be concurred in.

FISH AND GAME (Hinebauch, Chair): 3/11/2021
SB 208, introduced bill, be amended as follows:

1. Title, line 5.
Following: the first "ACCOUNT"
Strike: "OR THE HABITAT MONTANA ACCOUNT"

2. Title, line 6.
Following: "SECTIONS"
Strike: "87-1-242,"
Following: "87-1-628"
Strike: ","

3. Page 1, line 10 through page 2, line 7.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 2, line 27.
Following: "303;"
Insert: "or"

5. Page 2, line 28 through page 3, line 1.
Following: "87-1-628" on line 28
Strike: "; or" on line 28 through "87-1-242" on page 3, line 1

And, as amended, do pass.

HB 224, be concurred in.
HB 225, be concurred in.
HB 260, be concurred in.
HB 353, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 3/11/2021
HB 20, be amended as follows:

1. Page 1, line 14 through line 15.
Strike: "for" on line 14 through "times" on line 15

2. Page 1, line 26.
Following: "pilot"
Strike: "or an airplane passenger"

3. Page 2, line 6.
Following: "service"
Strike: "at all times"

And, as amended, be concurred in.

HB 266, be concurred in.
HB 270, be concurred in.
HB 271, be concurred in.
HB 281, be concurred in.

JUDICIARY (Regier, Chair): 3/12/2021
HB 91, be concurred in.
HB 98, be concurred in.
HB 309, be concurred in.
HB 310, be concurred in.
HB 401, be concurred in.
HB 402, be concurred in.

TAXATION (Hoven, Chair): 3/12/2021
HB 252, be concurred in.
HB 298, be concurred in.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORT

FISH AND GAME (Hinebauch, Chair): 3/11/2021
SR 62, be **not** adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

March 12, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Blasdel:

On Tuesday, March 2, 2021 I signed the following Senate bills:

Senate Bill 17 - Gross
Senate Bill 54 - Ellsworth
Senate Bill 74 - Salomon
Senate Bill 102 - Small
Senate Bill 110 - Osmundson

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/11/2021

SB 101, introduced by C. Smith
SB 115, introduced by K. Regier

House bills passed and transmitted to the Senate for concurrence: 3/11/2021

HB 72, introduced by F. Garner
HB 235, introduced by T. Welch
HB 357, introduced by J. Hamilton
HB 394, introduced by M. Noland
HB 468, introduced by P. Fielder
HB 493, introduced by K. Zolnikov
HB 589, introduced by B. Mercer

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 374, introduced by C. Smith, J. Ellsworth, T. Jacobson, D. Kary, S. Morigeau, C. Smith, G. Vance, referred to Business, Labor, and Economic Affairs.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 90, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 91, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 72, introduced by F. Garner (by request of the Public Employees' Retirement Board), referred to State Administration.
HB 235, introduced by T. Welch, D. Salomon, F. Garner, referred to Public Health, Welfare and Safety.
HB 357, introduced by J. Hamilton, referred to Taxation.
HB 394, introduced by M. Noland, referred to Taxation.
HB 468, introduced by P. Fielder, B. Brown, T. Running Wolf, B. Phalen, referred to Fish and Game.
HB 493, introduced by K. Zolnikov, referred to Business, Labor, and Economic Affairs.
HB 589, introduced by B. Mercer, referred to Business, Labor, and Economic Affairs.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 275 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 28 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 38 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 48 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 80 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 96 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally,

Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 108 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Cuffe.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 119 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 120 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 138 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 39

Nays: Bennett, Boland, Boldman, Gross, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 11

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 197 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Cuffe, Esp, Howard, Keenan, McGillvray, O'Brien, Smith C, Tempel.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 215 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Webber.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Esp excused at this time.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ellsworth in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 32 - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 32**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Esp, Aye.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 303 - Senator Hoven moved **HB 303** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 39

Nays: Boland, Cohenour, Ellis, Fox, Gross, McClafferty, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 11

Voted absentee: Esp, Aye.

Excused: Esp.

Total 1

Absent or not voting: None.
Total 0

HB 66 - Senator Small moved **HB 66** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 44

Nays: Esp, Hinebauch, Kary, Smith C, Vance, Mr. President.
Total 6

Voted absentee: Esp, No.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 130 - Senator Fitzpatrick moved **HB 130** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Esp, Aye.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 214 - President Blasdel moved **HB 214** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Esp, Keenan, Smith C.
Total 3

Voted absentee: Esp, No.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 177 - Senator Small moved **HB 177** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Esp, Aye.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 55 - Senator Friedel moved **HB 55** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Esp, Aye.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 56 - Senator Glimm moved **HB 56** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, McClafferty, McGillvray, McNally, O'Brien, Pomnichowski, Pope, Regier K, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 38

Nays: Bennett, Esp, Hinebauch, Keenan, Lynch, Manzella, Molnar, Morigeau, Osmundson, Sales, Smith C, Vance.
Total 12

Voted absentee: Esp, No.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 77 - Senator Glimm moved **HB 77** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: Esp, Aye.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 133 - Senator Fitzpatrick moved **HB 133** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Esp, Aye.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 256 - Senator Manzella moved **HB 256** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Small, Sweeney, Tempel, Mr. President.
Total 32

Nays: Boland, Cohenour, Cuffe, Ellis, Esp, Flowers, Fox, Kary, McClafferty, McNally, Pomnichowski, Pope, Salomon, Sands, Smith C, Vance, Webber, Welborn.
Total 18

Voted absentee: Esp, No.

Excused: Esp.

Total 1

Absent or not voting: None.
Total 0

HB 164 - Senator Sands moved **HB 164** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Esp, Aye.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 313 - Senator McGillvray moved **HB 313** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Esp, Aye.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 70 - Senator Gross moved **HB 70** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Esp, Aye.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 129 - Senator Hertz moved **HB 129** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Keenan, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sweeney, Webber.
Total 19

Voted absentee: Esp, Aye.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

Vote totals for **HB 129** include a change of vote by Senator Gross from Yes to No under Motions.

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Ellsworth moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **HB 129**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 55**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 66**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 303**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Gross moved to change her second-reading vote on **HB 129** from Yes to No. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Monday, March 15, 2021, the 51st legislative day. Motion carried.

Senate adjourned at 2:13 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FIFTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 15, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/15/2021

Correctly printed: **SB 297**, **SB 335**, **SB 370**, **SB 374**, **SR 32**, **SR 90**, **SR 91**, **HB 13**, **HB 55**, **HB 56**, **HB 66**, **HB 70**, **HB 77**, **HB 91**, **HB 98**, **HB 129**, **HB 130**, **HB 133**, **HB 164**, **HB 177**, **HB 214**, **HB 224**, **HB 225**, **HB 252**, **HB 256**, **HB 260**, **HB 266**, **HB 270**, **HB 271**, **HB 281**, **HB 294**, **HB 298**, **HB 303**, **HB 309**, **HB 310**, **HB 313**, **HB 353**, **HB 373**, **HB 374**, **HB 401**, **HB 402**, **HB 425**, **HJ 7**.
Correctly engrossed: **SB 208**, **HB 20**.
Examined by the sponsor and found to be correct: **SB 114**.
Transmitted to the House: **SB 275**, **HB 28**, **HB 38**, **HB 48**, **HB 80**, **HB 96**, **HB 108**, **HB 119**, **HB 120**, **HB 138**, **HB 197**, **HB 215**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 3/12/2021
HB 35, be amended as follows:

1. Title, line 7.
Following: line 6
Insert: "REQUIRING REMOTE MEETINGS;"

2. Page 2, line 4 through line 5.
Strike: "but" on line 4 through "members" on line 5
Insert: "and all meetings must be held by remote means using audio or videoconferencing. Members"

3. Page 2, line 8.
Following: "review"
Strike: "closed"

4. Page 3, line 22.
Strike: "$85,000"
Insert: "$20,000"

And, as amended, be concurred in.

LOCAL GOVERNMENT (Gauthier, Chair): 3/12/2021
HB 49, be concurred in.
HB 220, be concurred in.
HB 268, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/12/2021
HB 37, be concurred in.
HB 43, be amended as follows:

1. Page 13, line 9.
Strike: "telemedicine"
Insert: "telehealth"

And, as amended, be concurred in.

HB 208, be concurred in.

STATE ADMINISTRATION (Kary, Chair): 3/10/2021
SB 71, do pass.

STATE ADMINISTRATION (Kary, Chair): 3/12/2021
HB 34, be amended as follows:

1. Page 14.
Following: line 17
Insert: "COORDINATION SECTION. **Section 12. Coordination instruction.** If either House Bill No. 98 or Senate Bill No. 4, or both, and [this act] are passed and approved and if either or both and [this act] contain a section that amends 44-2-411, then [section 7 of this act], amending 44-2-411, is void."
Renumber: subsequent sections

And, as amended, be concurred in.

HB 47, be amended as follows:

1. Page 2, line 11.
Strike: "emergency rule"
Insert: "adoption notice"

And, as amended, be concurred in.

HB 58, be concurred in.
HB 178, be amended as follows:

1. Title, line 6.
Following: line 5
Strike: "REPEALING SECTION 6, CHAPTER 462, LAWS OF 2019;"
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 3, line 11.
Strike: section 2 in its entirety
Renumber: subsequent sections

3. Page 3.
Following: line 13
Insert: "NEW SECTION. **Section 3. Termination.** [This act] terminates June 30, 2023."

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 13, 2021

The Honorable Mark Blasdel
President, Montana State Senate
Helena, MT 59620

Dear President Blasdel:

In accordance with Montana Code Annotated Sections 5-5-301 and -302, I submit to you and the Montana Senate the following board appointments for confirmation:

Board of Public Assistance
MCA § 2-15-2203

I have appointed the following persons to the Board of Public Assistance:

● **Sharon Bonogofsky-Parker**, sharonbonogofskyparker@gmail.com, Billings, MT 59105 has been appointed to serve a term commencing March 12, 2021 and ending January 5, 2025. Ms. Bonogofsky-Parker fulfills the qualifications of a public member and replaces Marianne Roose whose term expired January 3, 2021.

● **Danielle Shyne**, shynemt@gmail.com, Bozeman, MT 59715 has been reappointed to serve a term commencing March 12, 2021 and ending January 5, 2025, Ms. Shyne fulfills the attorney requirement and replaces Amy Christensen.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Liane Taylor, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Taylor can be reached at extension 4405 or by email at liane.taylor@mt.gov.

Thank you for your consideration and service.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/12/2021

SB 18, introduced by D. Salomon
SB 22, introduced by D. Salomon

Senate bill not concurred in and returned to the Senate: 3/12/2021

SB 57, introduced by J. Pomnichowski
Subsequent to this message, the House reconsidered its third reading action and may take additional action on **SB 57**.

House bills passed and transmitted to the Senate for concurrence: 3/12/2021

HB 158, introduced by C. Hinkle
HB 170, introduced by T. Welch
HB 432, introduced by S. Gunderson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 375, introduced by K. Regier, referred to Taxation.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 92, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 158, introduced by C. Hinkle, D. Skees, J. Read, M. Blasdel, B. Molnar, C. Glimm, D. Lenz, W. Galt, S. Berglee, B. Brown, J. Hinkle, T. Manzella, M. Noland, V. Ricci, B. Tschida, S. Gunderson, D. Loge, F. Anderson, L. Sheldon-Galloway, J. Trebas, C. Knudsen, J. Patelis, B. Beard, M. Hopkins, J. Ellsworth, R. Knudsen, K. Bogner, B. Gillespie, T. Moore, B. Ler, B. Phalen, J. Carlson, L. Brewster, K. Zolnikov, B. Mitchell, A. Regier, P. Fielder, S. Galloway, S. Gist, E. Hill, J. Gillette, G. Frazer, M. Binkley, R. Marshall, referred to Public Health, Welfare and Safety.
HB 170, introduced by T. Welch, M. Cuffe, R. Osmundson, J. Keane, C. Smith, G. Vance, J. Welborn, M. Blasdel, D. Ankney, G. Hertz, T. Jacobson, R. Lynch, W. Galt, V. Ricci, C. Knudsen, J. Small, D. Harvey, J. Kassmier, K. Walsh, D. Hawk, referred to Energy and Telecommunications.
HB 432, introduced by S. Gunderson, referred to Taxation.

The following House bills, previously introduced, were referred to committees:

HB 257, introduced by J. Hinkle, E. Buttrey, D. Skees, J. Read, J. Esp, D. Howard, C. Smith, G. Vance, M. Blasdel, B. Molnar, C. Glimm, W. Galt, S. Berglee, B. Brown, T. Manzella, S. Hinebauch, S. Gunderson, D. Loge, R. Fitzgerald, F. Anderson, L. Sheldon-Galloway, J. Trebas, D. Bartel, B. Usher, S. Vinton, B. Beard, T. Gauthier, F. Fleming, J. Dooling, K. Bogner, B. Gillespie, B. Ler, B. Phalen, J. Carlson, A. Regier, P. Fielder, S. Galloway, E. Hill, K. Seekins-Crowe, M. Stromswold, J. Gillette, C. Hinkle, M. Binkley, R. Marshall, K. Whitman, referred to Judiciary.
HB 273, introduced by D. Skees, referred to Energy and Telecommunications.
HB 517, introduced by B. Mercer, referred to Judiciary.
HB 572, introduced by D. Skees, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Friedel in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 290 - Senator Gauthier moved **HB 290** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Webber, Welborn, Mr. President.
Total 45

Nays: Boland, Morigeau, Pomnichowski, Sweeney, Vance.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes made by Senator Cuffe under Motions.

SB 308 - Senator Welborn moved **SB 308** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 13 - Senator Hinebauch moved **SJ 13** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Bennett, Gross, Morigeau, Pomnichowski.
Total 4

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 32 - Senator Tempel moved **HB 32** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 33 - Senator Salomon moved **HB 33** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 100 - Senator McNally moved **HB 100** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes made by Senator Cuffe under Motions.

HB 141 - Senator Manzella moved **HB 141** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 83 - Senator Vance moved **HB 83** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Esp, Keenan.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 200 - Senator K. Regier moved **HB 200** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 40 - Senator Flowers moved **HB 40** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Howard, Jacobson, Lang, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 41

Nays: Glimm, Hinebauch, Hoven, Kary, Keenan, Lynch, Manzella, Smith C, Vance.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 22 - Senator Cuffe moved **HB 22** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 29 - Senator Fox moved **HB 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Howard, Manzella, Smith C.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 76 - Senator Cuffe moved **HB 76** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Friedel moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Gross, McClafferty, O'Brien.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 297 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Cohenour, Ellis, Esp, Gross, Keenan, Lynch, McClafferty, Pomnichowski.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 56 concurred in as follows:

Yeas: Ankney, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McGillvray, McNally, Pomnichowski, Pope, Regier K, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 33

Nays: Bennett, Bogner, Boldman, Ellsworth, Esp, Hertz, Hinebauch, Lynch, Manzella, Molnar, Morigeau, O'Brien, Osmundson, Sales, Smith C, Vance, Mr. President.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 70 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 77 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Keenan.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 130 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 133 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 164 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 177 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 214 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Esp, Keenan, McGillvray, Smith C, Tempel.

Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 256 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Ellis, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Small, Smith C, Sweeney, Tempel, Mr. President.
Total 35

Nays: Cohenour, Cuffe, Esp, Flowers, Fox, Kary, McClafferty, McNally, Pomnichowski, Pope, Salomon, Sands, Vance, Webber, Welborn.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 313 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Cuffe moved to change his second reading vote on **HB 290** from No to Yes. Without objection, so ordered.

Senator Cuffe moved to change his second reading vote on **HB 100** from No to Yes. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the coming week:

Shaney Fox from Bigfork, Montana, sponsored by Senator Keenan
Allie Reichner from Bigfork, Montana, sponsored by Senator Keenan
Brenna Rapp from Great Falls, Montana, sponsored by Senator Hinebauch
Ciarra Sylvyn from Park City, Montana, sponsored by Senator Howard

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, March 16, 2021, the fifty-second legislative day. Motion carried.

Senate adjourned at 2:20 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FIFTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 16, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/16/2021

Correctly printed: **SB 308**, **SB 375**, **SJ 13**, **SR 92**, **HB 29**, **HB 32**, **HB 33**, **HB 37**, **HB 40**, **HB 49**, **HB 58**, **HB 71**, **HB 76**, **HB 83**, **HB 100**, **HB 141**, **HB 200**, **HB 208**, **HB 220**, **HB 268**, **HB 290**.
Correctly engrossed: **HB 34**, **HB 35**, **HB 43**, **HB 47**, **HB 178**.
Correctly enrolled: **SR 33**.
Examined by the sponsor and found to be correct: **SR 33**.
Transmitted to the House: **SB 297**, **HB 56**, **HB 70**, **HB 77**, **HB 130**, **HB 133**, **HB 164**, **HB 177**, **HB 214**, **HB 256**, **HB 313**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/15/2021
HB 89, be concurred in.
HB 192, be concurred in.

JUDICIARY (Regier, Chair): 3/16/2021
SB 293, do pass.

LOCAL GOVERNMENT (Gauthier, Chair): 3/15/2021
HB 292, be concurred in.
HB 304, be concurred in.
HB 496, be amended as follows:

1. Title, line 4.
Following: "LAWS;"
Insert: "REQUIRING A LOCAL GOVERNING BODY TO HOLD A PUBLIC HEARING ON CERTAIN PUBLIC LAND USE;"

2. Page 1, line 12.
Following: "held"
Insert: "and the agency shall attend the public hearing"

3. Page 1, line 13.
Strike: "board of adjustments, as provided in this chapter,"
Insert: "governing body"

4. Page 1, line 14.
Strike: "board"
Insert: "local governing body"

And, as amended, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 3/15/2021
HB 173, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/15/2021
SJ 14, introduced joint resolution, be amended as follows:

1. Page 1, line 11.
Following: "beds"
Insert: "has"
Following: "changed"
Strike: "with the revenue cutbacks"

2. Page 1.
Following: line 12
Insert: "WHEREAS, people experiencing mental health crisis frequently come into contact with law enforcement, the justice system, and the facilities operated by the Montana Department of Public Health and Human Services; and
WHEREAS, all stakeholders have a strong interest in diverting people with mental health and substance abuse conditions from the criminal justice system; and"

3. Page 1, line 25.
Strike: "state"
Insert: "federal Substance Abuse and Mental Health Services Administration"

4. Page 1, line 25 through line 26.
Strike: "approved" on line 25 through "services" on line 26
Insert: "awarded grants for certified community behavioral health clinics in Montana and it is not clear what the long-term funding implications of that model will be"

5. Page 2.
Following: line 9
Insert: "(3) how the system diverts people from the criminal justice system;
(4) the adequacy of the state's system of higher education to appropriately train and educate clinicians necessary to meet the behavioral needs of Montanans;"
Renumber: subsequent subsections

6. Page 2, line 12.
Following: "Services,"
Insert: "the Department of Corrections,"

7. Page 2, line 13.
Following: "Affairs,"
Insert: "hospitals,"

8. Page 2, line 14.
Following: "providers,"
Insert: "sheriffs, county attorneys, health insurance companies, clinical provider associations,"

And, as amended, do pass.

HB 39, be concurred in.
HB 275, be concurred in.
HB 295, be concurred in.

STATE ADMINISTRATION (Kary, Chair): 3/15/2021
HB 81, be concurred in.
HB 88, be concurred in.
HB 95, be concurred in.
HB 97, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/15/2021

SB 62, introduced by B. Brown
SB 69, introduced by S. Fitzpatrick
SB 80, introduced by K. Regier
SB 123, introduced by K. Regier
SB 125, introduced by M. Cuffe
SB 130, introduced by T. Manzella

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/15/2021

SB 38, introduced by T. Gauthier

Senate bill reconsidered, remains on Third Reading for House vote: 3/15/2021

SB 57, introduced by J. Pomnichowski

House bills passed and transmitted to the Senate for concurrence: 3/15/2021

HB 302, introduced by J. Kassmier
HB 445, introduced by B. Usher
HB 490, introduced by S. Kerns
HB 593, introduced by K. Seekins-Crowe

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 376, introduced by G. Hertz, B. Beard, M. Blasdel, J. Ellsworth, W. Galt, B. Hoven, J. Kassmier, W. Sales, R. Tempel, T. Welch, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 302, introduced by J. Kassmier, referred to Agriculture, Livestock and Irrigation.
HB 445, introduced by B. Usher, referred to Highways and Transportation.
HB 490, introduced by S. Kerns, referred to Business, Labor, and Economic Affairs.
HB 593, introduced by K. Seekins-Crowe, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Bogner in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 252 - Majority Leader Smith moved consideration of **HB 252** be passed for the day. Without objection, so ordered.

SR 29 - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 29**. Motion carried as follows:

Senator Hertz expressed a conflict of interest--one of the nominees is a family member. He will be voting for the resolution.

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch,

Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Pomnichowski.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 83 - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 83**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 44

Nays: Ellis, Flowers, Gross, Lynch, McClafferty, Pomnichowski.
Total 6

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 76 - Senator Salomon moved **SB 76** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 213 - Senator Gauthier moved **HB 213** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 282 - Senator Ellsworth moved **HB 282** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Gross, Jacobson, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Sands, Webber.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 283 - Senator Ellsworth moved **HB 283** be concurred in. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Ankney, Jacobson, Lynch.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 254 - Senator Fitzpatrick moved **HB 254** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 373 - Senator Lang moved **HB 373** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Esp, Regier K.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 374 - Senator Welborn moved **HB 374** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Hinebauch, Regier K.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 370 - Senator Ellsworth moved **SB 370** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr.

President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 7 - Senator Lang moved **HJ 7** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 294 - Senator Lang moved **HB 294** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Bogner moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 43

Nays: Boland, Cohenour, Gross, McNally, Pomnichowski, Sands, Webber.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 308 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales,

Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 13 passed as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Bennett, Gross, Molnar, Morigeau, Pomnichowski.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 22 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 29 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Howard, Manzella, Smith C.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 32 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 33 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 40 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Howard, Jacobson, Lang, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 39

Nays: Esp, Glimm, Hinebauch, Hoven, Kary, Keenan, Lynch, Manzella, Osmundson, Smith C, Vance.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 76 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 83 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Keenan.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 100 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 141 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 200 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

A+bsent or not voting: None.
Total 0

HB 290 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Webber, Welborn, Mr. President.
Total 45

Nays: Gross, Morigeau, Pomnichowski, Sweeney, Vance.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, March 17, 2021, the fifty-third legislative day. Motion carried.

Senate adjourned at 2:14 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FIFTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 17, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/17/2021

Correctly printed: **SB 76**, **SB 370**, **SB 376**, **SR 29**, **SR 83**, **HB 39**, **HB 81**, **HB 88**, **HB 89**, **HB 95**, **HB 97**, **HB 173**, **HB 192**, **HB 213**, **HB 254**, **HB 275**, **HB 282**, **HB 283**, **HB 292**, **HB 293**, **HB 294**, **HB 295**, **HB 304**, **HB 373**, **HB 374**, **HJ 7**.
Correctly engrossed: **SJ 14**, **HB 496**.
Correctly enrolled: **SB 18**, **SB 22**, **SB 62**, **SB 69**, **SB 80**, **SB 123**, **SB 125**, **SB 130**.
Examined by the sponsor and found to be correct: **SB 18**, **SB 22**, **SB 62**, **SB 69**, **SB 80**, **SB 123**, **SB 130**.
Transmitted to the House: **SB 308**, **SJ 13**, **HB 22**, **HB 29**, **HB 32**, **HB 33**, **HB 40**, **HB 76**, **HB 83**, **HB 100**, **HB 141**, **HB 200**, **HB 290**.
Signed by the Secretary of the Senate at 3:17 p.m., March 16, 2021: **SR 33**.
Signed by the President at 4:50 p.m., March 16, 2021: **SR 33**.
Delivered to the Secretary of State at 11:35 a.m., March 17, 2021: **SR 33**.
Delivered to the Governor for information, March 17, 2021: **SR 33**.

Senator Ankney arose on a point of personal privilege and introduced Katie Tooke, Miss Teen Montana for 2021, to the Senate.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Lang, Chair): 3/16/2021
HB 318, be amended as follows:

1. Page 1, line 17.
Following: "member"
Insert: "or tribe"

2. Page 2, line 13.
Following: "15-24-921;"
Strike: "and"

3. Page 2, line 14.

Following: "person"
Insert: "; and
(d) is not the offspring of a bison that has been subject to the per capita fee under 15-24-921"

4. Page 4, line 6.
Following: "15-24-921;"
Strike: "and"

5. Page 4, line 7.
Following: "person"
Insert: "; and
(d) is not the offspring of a bison that has been subject to the per capita fee under 15-24-921"

6. Page 7, line 25.
Following: "15-24-921;"
Strike: "and"

7. Page 7, line 26.
Following: "person"
Insert: "; and
(d) is not the offspring of a bison that has been subject to the per capita fee under 15-24-921"

And, as amended, be concurred in.

HB 396, be concurred in.
HJ 17, be concurred in.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/16/2021
SB 269, introduced bill, be amended as follows:

1. Title, line 5 through line 6.
Following: "PARKS;" on line 5
Strike: remainder of line 5 through line 6 in their entirety

2. Title, line 8 through line 9.
Following: "PARK"
Strike: "TO A RESIDENT ASSOCIATION" on line 8 through "AUTHORITY" on line 9

3. Title, line 9.
Strike: "SECTIONS"
Insert: "SECTION"

4. Title, line 9.
Following: "15-31-163"
Strike: "AND 70-33-103"

5. Page 1, line 13 through page 2, line 15.
Strike: section 1 in its entirety
Renumber: subsequent sections

6. Page 3, line 13 through page 5, line 3.
Strike: sections 3 through 5 in their entirety

And, as amended, do pass.

HB 139, be concurred in.
HB 217, be concurred in.
HB 226, be concurred in.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/17/2021
HB 157, be concurred in.
HB 446, be concurred in.
HB 548, be concurred in.

FISH AND GAME (Hinebauch, Chair): 3/16/2021
HB 242, be concurred in.
HB 305, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 3/16/2021
SB 285, do pass.
HB 207, be concurred in.
HB 383, be concurred in.

JUDICIARY (Regier, Chair): 3/16/2021
SB 333, introduced bill, be amended as follows:

1. Page 1, line 28.
Following: "person"
Insert: ", not including peace officers, prosecutors, or judicial officers,"

2. Page 2, line 4.
Following: "50-32-224"
Insert: "with a street value of at least $10,000 as determined by the prosecutor"

3. Page 2.
Following: line 6
Insert: "(c) The department of justice shall develop a secure system for receiving and verifying tips to law enforcement."

4. Page 2, line 9.

Following: "(a)"
Strike: "measuring at least 4 feet by 8 feet that must be posted"
Insert: "that is the same standard size as the "welcome to Montana" signs posted"

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 16, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Blasdel:

On Tuesday, March 16, 2021, I signed the following bills:

Senate Bill 15 - Ellis
Senate Bill 140 - Regier

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/16/2021

SB 75, introduced by D. Salomon
SB 82, introduced by S. Fitzpatrick
SB 93, introduced by G. Vance
SB 126, introduced by K. Regier
SB 127, introduced by C. Friedel

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/16/2021

SB 39, introduced by K. Regier

Senate amendments to House bills concurred in: 3/16/2021

HB 53, introduced by J. Hamilton
HB 65, introduced by T. Moore
HB 117, introduced by V. Ricci

House bills passed and transmitted to the Senate for concurrence: 3/16/2021

HB 191, introduced by M. Hopkins
HB 397, introduced by J. Kassmier

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 377, introduced by E. McClafferty, B. Bennett, E. Boldman, J. Cohenour, M. Fox, R. Lynch, S. Morigeau, S. O'Brien, M. Sweeney, S. Webber, referred to Public Health, Welfare and Safety.
SB 378, introduced by S. Fitzpatrick, M. Blasdel, J. Ellsworth, D. Loge, J. Patelis, referred to Business, Labor, and Economic Affairs.
SB 379, introduced by S. Fitzpatrick, referred to Energy and Telecommunications.
SB 380, introduced by J. Esp, referred to Public Health, Welfare and Safety.
SB 381, introduced by S. Morigeau, referred to Business, Labor, and Economic Affairs.
SB 382, introduced by T. Manzella, referred to Fish and Game.
SB 383, introduced by B. Keenan, C. Glimm, D. Howard, B. Molnar, J. Patelis, K. Regier, M. Regier, referred to Finance and Claims.
SB 384, introduced by J. Esp, referred to Fish and Game.
SB 385, introduced by G. Hertz, M. Binkley, M. Blasdel, B. Brown, J. Ellsworth, G. Frazer, C. Knudsen, T. McGillvray, C. Smith, S. Vinton, referred to Local Government.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 93, introduced by S. Hinebauch, referred to Fish and Game.

The following House bills were introduced, read first time, and referred to committees:

HB 191, introduced by M. Hopkins, D. Skees, J. Read, B. Hoven, F. Garner, K. Holmlund, B. Tschida, C. Knudsen, J. Fuller, J. Dooling, J. Kassmier, B. Mitchell, A. Regier, C. Hinkle, K. Walsh, K. Whitman, referred to Taxation.
HB 397, introduced by J. Kassmier, referred to Taxation.

The following House bill, previously introduced, was referred to committee:

HB 334, introduced by J. Carlson, E. Buttrey, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Blasdel in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 252 - Senator Salomon moved **HB 252** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Hertz, Hoven, Jacobson, Kary, Lynch, McClafferty, Morigeau, O'Brien, Osmundson, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 28

Nays: Boland, Cohenour, Ellis, Esp, Flowers, Fox, Gillespie, Glimm, Gross, Hinebauch, Howard, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Pomnichowski, Pope, Regier K, Sands, Webber.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator McGillvray assumed the chair.

HB 36 - Senator Webber moved **HB 36** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Webber, Welborn, Mr. President.
Total 39

Nays: Bogner, Ellsworth, Glimm, Hinebauch, Howard, Keenan, Lang, Manzella, Regier K, Tempel, Vance.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 98 - Senator Small moved **HB 98** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Webber, Welborn, Mr. President.
Total 41

Nays: Glimm, Hinebauch, Howard, Kary, Keenan, Lang, Regier K, Tempel, Vance.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 35 - Senator Webber moved **HB 35** be concurred in.

HB 35 - Senator Webber moved **HB 35**, second reading copy, be amended as follows:

1. Page 2, line 6.
Following: "VIDEOCONFERENCING"
Insert: "whenever possible"

Amendment **adopted** as follows:

Yeas: Bennett, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Smith C, Sweeney, Tempel, Vance, Webber.
Total 39

Nays: Bogner, Ellsworth, Friedel, Hinebauch, Howard, Lang, McGillvray, Small, Welborn, Mr.

President.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: Ankney.
Total 1

HB 35 - As amended, **HB 35** was concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 39

Nays: Esp, Friedel, Gillespie, Glimm, Hinebauch, Howard, Keenan, Lang, Manzella, Regier K, Tempel.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 49 - Senator Boldman moved **HB 49** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 38

Nays: Bogner, Brown, Glimm, Hinebauch, Howard, Kary, Keenan, Manzella, Regier K, Smith C, Vance, Mr. President.
Total 12

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 220 - Senator Esp moved **HB 220** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 42

Nays: Cuffe, Glimm, Hinebauch, Keenan, Manzella, Osmundson, Regier K, Vance.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 268 - Senator Esp moved **HB 268** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 198 - Senator Small moved **HB 198** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 45

Nays: Glimm, Hinebauch, Keenan, Manzella, Mr. President.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 232 - Senator Fitzpatrick moved **HB 232** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Glimm, Hinebauch, Keenan, McGillvray.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 425 - Senator Boldman moved **HB 425** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 335 - Senator Vance moved **SB 335** do pass. Motion **failed** as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Kary, Keenan, Lynch, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Welborn, Mr. President.
Total 25

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 335 - Majority Leader Smith moved **SB 335** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 31

Nays: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Manzella, Osmundson, Regier K, Salomon, Smith C, Vance, Mr. President.

Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 208 - Senator Cohenour moved **SB 208** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 48

Nays: Keenan, Vance.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 20 - Senator Ellsworth moved **HB 20** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 266 - Senator Vance moved **HB 266** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 270 - Senator Welborn moved **HB 270** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 271 - Senator Ellsworth moved **HB 271** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 38

Nays: Bennett, Boldman, Cohenour, Flowers, Gross, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Webber.
Total 12

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 115 - **House Amendments** - Senator K. Regier moved House amendments to **SB 115** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 38 - **House Amendments** - Senator Gauthier moved House amendments to **SB 38** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair McGillvray moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 76 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 370 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 213 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 254 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 282 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Webber.

Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 283 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 294 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 373 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Hinebauch, Regier K.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 374 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Hinebauch, Regier K.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 7 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **HB 49**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 36**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 252**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, March 18, 2021, the fifty-fourth legislative day. Motion carried.

Senate adjourned at 3:02 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FIFTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 18, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/18/2021

Correctly printed: **SB 208**, **SB 285**, **SB 377**, **SB 378**, **SB 379**, **SB 380**, **SB 381**, **SB 382**, **SB 383**, **SB 384**, **SB 385**, **SR 93**, **HB 20**, **HB 36**, **HB 49**, **HB 98**, **HB 139**, **HB 157**, **HB 198**, **HB 207**, **HB 217**, **HB 220**, **HB 226**, **HB 232**, **HB 242**, **HB 252**, **HB 266**, **HB 268**, **HB 270**, **HB 271**, **HB 305**, **HB 383**, **HB 396**, **HB 425**, **HB 446**, **HB 548**, **HJ 17**.
Correctly engrossed: **SB 269**, **SB 333**, **HB 35**, **HB 318**.
Correctly enrolled: **SR 32**.
Examined by the sponsor and found to be correct: **SB 125**, **SR 32**.
Transmitted to the House: **SB 76**, **SB 370**, **HB 213**, **HB 254**, **HB 282**, **HB 283**, **HB 294**, **HB 373**, **HB 374**, **HJ 7**.
Signed by the Secretary of the Senate at 4:00 p.m., March 17, 2021: **SB 18**, **SB 22**, **SB 62**, **SB 69**, **SB 80**, **SB 123**, **SB 130**.
Signed by the President at 5:20 p.m., March 17, 2021: **SB 18**, **SB 22**, **SB 69**.
Signed by the President at 5:30 p.m., March 17, 2021: **SB 62**, **SB 80**, **SB 123**, **SB 130**.
Signed by the Speaker at 9:50 a.m., March 18, 2021: **SB 18**, **SB 22**, **SB 62**, **SB 69**, **SB 80**, **SB 123**, **SB 130**.
Delivered to the Governor for signature at 10:41 a.m., March 18, 2021: **SB 18**, **SB 22**, **SB 62**, **SB 69**, **SB 80**, **SB 123**, **SB 130**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/17/2021
SB 320, introduced bill, be amended as follows:

1. Title, line 4.
Following: "ACT"
Strike: "CREATING THE"
Insert: "PROVIDING FOR AN"

3. Title, line 4.
Strike: "SERVICE LICENSE"
Insert: "ENDORSEMENT"

4. Title, line 5.
Following: "REQUIREMENTS"
Insert: "FOR BEER AND WINE"

5. Title, line 5 through line 7.
Strike: "PROVIDING LICENSING" on line 5 through "AUTHORITY;" on line 7
Insert: "APPLYING THE DELIVERY REQUIREMENTS TO ON-PREMISES BEER AND WINE, ALL-BEVERAGES, AND RESTAURANT BEER AND WINE LICENSEES; REQUIRING THE DELIVERY TO BE PART OF THE DELIVERY OF FOOD THAT IS PREPARED BY THE LICENSEE; REQUIRING THE DELIVERY TO BE MADE BY THE LICENSEE;"

7. Title, line 7 through line 8.
Strike: "16-3-101," on line 7 through "4-1005" on line 8
Insert: "16-4-105, 16-4-201, AND 16-4-420"

8. Page 1, line 12 through page 7, line 26.
Strike: everything after the enacting clause
Following: line 11
Insert: "**Section 1.** Section 16-4-105, MCA, is amended to read:
"**16-4-105. Limit on retail beer licenses -- wine license amendments -- limitation on use of license -- exceptions -- competitive bidding -- rulemaking.** (1) Except as provided in 16-4-109, 16-4-110, 16-4-115, 16-4-420, and chapter 4, part 3, of this title, a license to sell beer at retail or beer and wine at retail, in accordance with the provisions of this code and the rules of the department, may be issued to any person or business entity that is approved by the department, subject to the following exceptions:
(a) The number of retail beer licenses that the department may issue for premises situated within incorporated cities and incorporated towns and within 5 miles of the corporate limits of the cities and towns must be determined on the basis of population prescribed in 16-4-502 as follows:
(i) in incorporated towns of 500 inhabitants or fewer and within 5 miles of the corporate limits of the towns, not more than one retail beer license;
(ii) in incorporated cities or incorporated towns of more than 500 inhabitants and not more than 2,000 inhabitants and within 5 miles of the corporate limits of the cities or towns, one retail beer license for every 500 inhabitants;
(iii) in incorporated cities of more than 2,000 inhabitants and within 5 miles of the corporate limits of the cities, four retail beer licenses for the first 2,000 inhabitants, two additional retail beer licenses for the next 2,000 inhabitants or major fraction of 2,000 inhabitants, and one additional retail beer license for each additional 2,000 inhabitants.
(b) The number of inhabitants in each incorporated city or incorporated town, exclusive of the number of inhabitants residing within 5 miles of the corporate limits of the city or town, governs the number of retail beer licenses that may be issued for use within the city or town and within 5 miles of the corporate limits of the city or town. The distance of 5 miles from the corporate limits of an incorporated city or incorporated town must be measured in a straight line from the nearest entrance of the premises proposed for licensing to the nearest corporate boundary of the city or town. A license that is restricted by quota limitations in this

section may not be located farther than:

(i) the county boundary within which the incorporated city or incorporated town is located; or

(ii) the line that separates the incorporated city's or incorporated town's boundary from another incorporated city or incorporated town as specified in this section.

(c) (i) When the 5-mile boundary of one incorporated city or incorporated town overlaps the 5-mile boundary of another incorporated city or incorporated town, the quota area for each city or town terminates in a straight line equidistant between each city or town.

(ii) If there are more than two overlapping quota areas, the quota area for each city or town terminates from the center of the overlap in a straight line to the intersecting exterior point of overlap. Licenses existing as of November 24, 2017, will be designated as belonging to whichever quota area they are in as a result of the straight line equidistant between each city or town, except for the following:

(A) In the Helena and East Helena previously combined quota area, the straight line will be drawn connecting the two outermost edges of the Helena corporate boundaries and extend outward to the quota area boundaries. Any license existing as of November 24, 2017, with a physical address of Helena will become a Helena license or with a physical address of East Helena will become an East Helena license, regardless of where it falls in the new quota areas.

(B) In the Pinesdale and Hamilton previously combined quota area, the straight line will be drawn along Mill Creek road to the quota area boundaries.

(C) In the Polson and Ronan quota areas, the straight line will be drawn from U.S. highway 93 west on Pablo West road to the quota area boundary and east on Clairmont road extending out to the quota area boundary. Any license existing as of November 24, 2017, within the Polson quota area will become a Polson license, regardless of where it falls in the new quota areas. Any license existing as of November 24, 2017, within the Ronan quota area will become a Ronan license, regardless of where it falls in the new quota areas.

(d) Retail beer licenses of issue on March 7, 1947, and retail beer licenses issued under 16-4-110 that are in excess of the limitations in this section are renewable, but new licenses may not be issued in violation of the limitations.

(e) The limitations do not prevent the issuance of a nontransferable and nonassignable retail beer license to an enlisted persons', noncommissioned officers', or officers' club located on a state or federal military reservation on May 13, 1985, or to a post of a nationally chartered veterans' organization or a lodge of a recognized national fraternal organization if the veterans' or fraternal organization has been in existence for a period of 5 years or more prior to January 1, 1949.

(f) The number of retail beer licenses that the department may issue for use at premises situated outside of any incorporated city or incorporated town and outside of the area within 5 miles of the corporate limits or for use at premises situated within any unincorporated area must be determined by the department in its discretion, except that a retail beer license may not be issued for any premises so situated unless the department determines that the issuance of the license is required by public convenience and necessity pursuant to 16-4-203. Subsection (7) does not apply to licenses issued under this subsection (1)(f). The owner of the license whose premises are situated outside of an incorporated city or incorporated town may offer gambling, regardless of when the license was issued, if the owner and premises qualify under Title 23, chapter 5, part 3, 5, or 6.

(2) (a) For a period of 12 years after November 24, 2017, existing licenses or licenses that resulted

from applications in process as of November 24, 2017, in either of two quota areas that were established as provided in subsection (1)(c) may be transferred between the two quota areas if they were part of the combined quota area prior to November 24, 2017.

(b) If any new retail beer licenses are allowed by separating a combined quota area that existed as of November 24, 2017, as provided in subsection (1)(c), the department shall publish the availability of no more than one new beer license a year until the quota has been reached.

(c) If any new retail beer licenses are allowed by license transfers as provided in subsection (2)(a), the department may publish the availability of more than one new license a year until the quota has been reached.

(3) A license issued under subsection (1)(f) that becomes located within 5 miles of an incorporated city or town because of annexation after April 15, 2005, may not be transferred to another location within the city quota area any sooner than 5 years from the date of the annexation.

(4) When the department determines that a quota area is eligible for a new retail beer license under subsection (1) or (2)(b), the department shall use a competitive bidding process as provided in 16-4-430 to determine the party afforded the opportunity to apply for the new license.

(5) Except as provided in subsection (2)(b), when more than one new beer license becomes available at the same time in the same quota area, the department shall conduct a separate competitive bidding process at separate times for each available license.

(6) (a) A person holding a license to sell beer for consumption on the premises at retail may apply to the department for an amendment to the license permitting the holder to sell wine as well as beer. The department may issue an amendment if it finds, on a satisfactory showing by the applicant, that the sale of wine for consumption on the premises would be supplementary to a restaurant or prepared-food business. Except for beer and wine licenses issued pursuant to 16-4-420, a person holding a beer and wine license may sell wine for consumption on or off the premises. Nonretention of the beer license, for whatever reason, means automatic loss of the wine amendment license.

(b) A person licensed under this subsection (6) may apply to the department and pay a fee for an endorsement to, with the licensee's own equipment, trucks, and employees 21 years of age or older, deliver beer and wine in original packaging if the delivery includes food that is prepared by the licensee at the licensee's premises. The value of the delivered beer and wine may not exceed the value of the delivered food.

(7) Except as provided in subsection (1)(f), a license issued pursuant to this section after October 1, 1997, must have a conspicuous notice that the license may not be used for premises where gambling is conducted.

(8) An applicant for a license issued through a competitive bidding process in 16-4-430 shall pay a $25,000 new license fee and in subsequent years pay the annual fee for the license as provided in 16-4-501.

(9) The department may adopt rules to implement this section.""

Insert: "**Section 2.** Section 16-4-201, MCA, is amended to read:

"**16-4-201. All-beverages license quota.** (1) Except as otherwise provided by law, a license to sell liquor, beer, and table wine at retail, an all-beverages license, in accordance with the provisions of this code and the rules of the department, may be issued to any person who is approved by the department as a fit and proper person to sell alcoholic beverages, except that the number of all-beverages licenses that the department may issue for

premises situated within incorporated cities and incorporated towns and within 5 miles of the corporate limits of those cities and towns must be determined on the basis of population prescribed in 16-4-502 as follows:

(a) in incorporated towns of 500 inhabitants or fewer and within 5 miles of the corporate limits of the towns, not more than two retail licenses;

(b) in incorporated cities or incorporated towns of more than 500 inhabitants and not more than 3,000 inhabitants and within 5 miles of the corporate limits of the cities and towns, three retail licenses for the first 1,000 inhabitants and one retail license for each additional 1,000 inhabitants;

(c) in incorporated cities of more than 3,000 inhabitants and within 5 miles of the corporate limits of the cities, five retail licenses for the first 3,000 inhabitants and one retail license for each additional 1,500 inhabitants.

(2) The number of inhabitants in each incorporated city or incorporated town, exclusive of the number of inhabitants residing within 5 miles of the corporate limits of the city or town, governs the number of retail licenses that may be issued for use within the city or town and within 5 miles of the corporate limits of the city or town. The distance of 5 miles from the corporate limits of any incorporated city or incorporated town must be measured in a straight line from the nearest entrance of the premises proposed for licensing to the nearest corporate boundary of the city or town. A license that is restricted by quota limitations in this section may not be located farther than:

(a) the county boundary within which the incorporated city or incorporated town is located; or

(b) the line that separates the incorporated city's or incorporated town's boundary from another incorporated city or incorporated town as specified in this section.

(3) (a) When the 5-mile boundary of one incorporated city or incorporated town overlaps the 5-mile boundary of another incorporated city or incorporated town, the quota area for each city or town terminates in a straight line equidistant between each city or town.

(b) If there are more than two overlapping quota areas, the quota area for each city or town terminates from the center of the overlap in a straight line to the intersecting exterior point of overlap. Licenses existing as of November 24, 2017, will be designated as belonging to whichever quota area they are in as a result of the straight line equidistant between each city or town, except for the following:

(i) In the Helena and East Helena previously combined quota area, the straight line will be drawn connecting the two outermost edges of the Helena corporate boundaries and extend outward to the quota area boundaries. Any license existing as of November 24, 2017, with a physical address of Helena will become a Helena license or with a physical address of East Helena will become an East Helena license, regardless of where it falls in the new quota areas.

(ii) In the Pinesdale and Hamilton previously combined quota area, the straight line will be drawn along Mill Creek road to the quota area boundaries.

(iii) In the Polson and Ronan quota areas, the straight line will be drawn from U.S. highway 93 west on Pablo West road to the quota area boundary and east on Clairmont road extending out to the quota area boundary. Any license existing as of November 24, 2017, within the Polson quota area will become a Polson license, regardless of where it falls in the new quota areas. Any license existing as of November 24, 2017, within the Ronan quota area will become a Ronan license, regardless of where it falls in the new quota areas.

(4) For a period of 12 years after November 24, 2017, existing licenses or licenses that resulted

from applications in process as of November 24, 2017, in either of two quota areas that were established as provided in subsection (3) may be transferred between the two quota areas if they were part of the combined quota area prior to November 24, 2017.

(5) (a) If any new retail all-beverages licenses are allowed by separating a combined quota area that existed as of November 24, 2017, as provided in subsection (3), the department shall publish the availability of no more than one new retail all-beverages license a year until the quota has been reached. The department shall use a competitive bidding process as provided in 16-4-430 to determine the party afforded the opportunity to apply for the new license.

(b) If any new all-beverages licenses are allowed by license transfers as provided in subsection (4), the department may publish the availability of more than one new license a year until the quota has been reached.

(6) Except as provided in subsection (5)(a), when more than one new all-beverages license becomes available at the same time in the same quota area, the department shall conduct a separate competitive bidding process at separate times for each available license.

(7) Retail all-beverages licenses of issue on March 7, 1947, and all-beverages licenses issued under 16-4-209 that are in excess of the limitations in subsections (1) and (2) are renewable, but new licenses may not be issued in violation of the limitations.

(8) The limitations in subsections (1) and (2) do not prevent the issuance of a nontransferable and nonassignable, as to ownership only, retail license to:

(a) an enlisted personnel, noncommissioned officers', or officers' club located on a state or federal military reservation on May 13, 1985;

(b) any post of a nationally chartered veterans' organization or any lodge of a recognized national fraternal organization if the veterans' or fraternal organization has been in existence for a period of 5 years or more prior to January 1, 1949; or

(c) a continuing care retirement community as provided in 16-4-315.

(9) The number of retail all-beverages licenses that the department may issue for use at premises situated more than 5 miles outside of any incorporated city or incorporated town may not be more than one license for each 750 in population of the county after excluding the population of incorporated cities and incorporated towns in the county.

(10) An all-beverages license issued under subsection (9) that becomes located within 5 miles of an incorporated city or town because of annexation after April 15, 2005, may not be transferred to another location within the city quota area any sooner than 5 years from the date of annexation.

(11) A person licensed under this section may apply to the department and pay a fee for an endorsement to, with the licensee's own equipment, trucks, and employees 21 years of age or older, deliver beer and wine in original packaging if the delivery includes food that is prepared by the licensee at the licensee's premises. The value of the delivered beer and wine may not exceed the value of the delivered food.

~~(11)~~(12) The department may adopt rules to implement this section.""

Insert: "**Section 3.** Section 16-4-420, MCA, is amended to read:

"**16-4-420. Restaurant beer and wine license -- competitive bidding -- rulemaking.** (1) The department shall issue a restaurant beer and wine license to an applicant whenever the department determines that the applicant, in addition to satisfying the requirements of this section, meets the following qualifications and conditions:

(a) the applicant complies with the licensing criteria provided in 16-4-401 for an on-premises consumption license;
(b) the applicant operates a restaurant at the location where the restaurant beer and wine license will be used or satisfies the department that:
(i) the applicant intends to open a restaurant that will meet the requirements of subsection (6) and intends to operate the restaurant so that at least 65% of the restaurant's gross income during its first year of operation is expected to be the result of the sale of food;
(ii) the restaurant beer and wine license will be used in conjunction with that restaurant, that the restaurant will serve beer and wine only to a patron who orders food, and that beer and wine purchases will be stated on the food bill; and
(iii) the restaurant will serve beer and wine from a service bar, as service bar is defined by the department by rule;
(c) the applicant understands and acknowledges in writing on the application that this license prohibits the applicant from being licensed to conduct any gaming or gambling activity or operate any gambling machines and that if any gaming or gambling activity or machine exists at the location where the restaurant beer and wine license will be used, the activity must be discontinued or the machines must be removed before the restaurant beer and wine license takes effect; and
(d) the applicant states the planned seating capacity of the restaurant, if it is to be built, or the current seating capacity if the restaurant is operating.
(2) (a) A restaurant that has an existing retail license for the sale of beer, wine, or any other alcoholic beverage may not be considered for a restaurant beer and wine license at the same location.
(b) (i) An on-premises retail licensee who sells the licensee's existing retail license may not apply for a license under this section for a period of 1 year from the date that license is transferred to a new purchaser.
(ii) A person, including an individual, with an ownership interest in an existing on-premises retail license that is being transferred to a new purchaser may not attain an ownership interest in a license applied for under this section for a period of 1 year from the date that the existing on-premises retail license is transferred to a new purchaser.
(3) A completed application for a license under this section and the appropriate application fee, as provided in subsection (11), must be submitted to the department. The department shall investigate the items relating to the application as described in subsections (3)(a) and (3)(b). Based on the results of the investigation and the exercise of its sound discretion, the department shall determine whether:
(a) the applicant is qualified to receive a license; and
(b) (i) the applicant's premises are suitable for the carrying on of the business;
(ii) the applicant is qualified to receive a license prior to a determination that the applicant's premises are suitable for carrying on with the business in accordance with 16-4-417; or
(iii) if the applicant has already been issued a license, the proposed premises are suitable for the carrying on of the business and the seating capacity stated on the application is correct.
(4) An application for a beer and wine license submitted under this section is subject to the provisions of 16-4-203, 16-4-207, and 16-4-405.
(5) If a premises proposed for licensing under this section is a new or remodeled structure, then the department may issue a license prior to completion of the premises based on reasonable evidence, including a statement from the applicant's architect or contractor

confirming that the seating capacity stated on the application is correct, that the premises will be suitable for the carrying on of business as a bona fide restaurant, as defined in subsection (6). If a license is issued without a premises, the license will immediately be placed on nonuse status until the premises are approved subject to 16-4-417.

(6) (a) For purposes of this section, "restaurant" means a public eating place:

(i) where individually priced meals are prepared and served for on-premises consumption;

(ii) where at least 65% of the restaurant's annual gross income from the operation must be from the sale of food and not from the sale of alcoholic beverages. Each year after a license is issued, the applicant shall file with the department a statement, in a form approved by the department, attesting that at least 65% of the gross income of the restaurant during the prior year resulted from the sale of food.

(iii) that has a dining room, a kitchen, and the number and kinds of employees necessary for the preparation, cooking, and serving of meals in order to satisfy the department that the space is intended for use as a full-service restaurant; and

(iv) that serves an evening dinner meal at least 4 days a week for at least 2 hours a day between the hours of 5 p.m. and 11 p.m. The provisions of subsection (6)(b) and this subsection (6)(a)(iv) do not apply to a restaurant for which a restaurant beer and wine license is in effect as of April 9, 2009, or to subsequent renewals of that license.

(b) The term does not mean a fast-food restaurant that, excluding any carry-out business, serves a majority of its food and drink in throw-away containers not reused in the same restaurant.

(7) (a) A restaurant beer and wine license not issued through a competitive bidding process as provided in 16-4-430 may be transferred, on approval by the department, from the original applicant to a new owner of the restaurant only after 1 year of use by the original owner, unless that transfer is due to the death of an owner.

(b) A license issued under this section may be jointly owned, and the license may pass to the surviving joint tenant upon the death of the other tenant. However, the license may not be transferred to any other person or entity by operation of the laws of inheritance or succession or any other laws allowing the transfer of property upon the death of the owner in this state or in another state.

(c) An estate may, upon the sale of a restaurant that is property of the estate and with the approval of the department, transfer a restaurant beer and wine license to a new owner.

(8) (a) The department shall issue a restaurant beer and wine license to a qualified applicant:

(i) except as provided in subsection (8)(c), for a restaurant located in a quota area with a population of 5,000 persons or fewer, as the quota area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota area is equal to or less than 80% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105;

(ii) for a restaurant located in a quota area with a population of 5,001 to 20,000 persons, as the quota area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota area is equal to or less than 160% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105;

(iii) for a restaurant located in a quota area with a population of 20,001 to 60,000 persons, as the quota area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota area is equal to or less than 100% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105;

(iv) for a restaurant located in a quota area with a population of 60,001 persons or more, as the

quota area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota area is equal to or less than 80% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105; and

(v) for a restaurant located in a quota area that is also a resort community, as defined in 7-6-1501, if the number of restaurant beer and wine licenses issued in the quota area that is also a resort community is equal to or less than 200% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105.

(b) In determining the number of restaurant beer and wine licenses that may be issued under this subsection (8) based on the percentage amounts described in subsections (8)(a)(i) through (8)(a)(v), the department shall round to the nearer whole number.

(c) If the department has issued the number of restaurant beer and wine licenses authorized for a quota area under subsection (8)(a)(i), there must be a one-time adjustment of four additional licenses for that quota area.

(d) (i) When the 5-mile boundary of one incorporated city or incorporated town overlaps the 5-mile boundary of another incorporated city or incorporated town, the quota area for each city or town terminates in a straight line equidistant between each city or town. A license that is restricted by quota limitations in this section may not be located farther than:

(A) the county boundary within which the incorporated city or incorporated town is located; or

(B) the line that separates the incorporated city's or incorporated town's boundary from another incorporated city or incorporated town as specified in this section.

(ii) If there are more than two overlapping quota areas, the quota area for each city or town terminates from the center of the overlap in a straight line to the intersecting exterior point of overlap. Licenses existing as of November 24, 2017, will be designated as belonging to whichever quota area they are in as a result of the straight line equidistant between each city or town, except for the following:

(A) In the Helena and East Helena previously combined quota area, the straight line will be drawn connecting the two outermost edges of the Helena corporate boundaries and extend outward to the quota area boundaries. Any license existing as of November 24, 2017, with a physical address of Helena will become a Helena license or with a physical address of East Helena will become an East Helena license, regardless of where it falls in the new quota areas.

(B) In the Pinesdale and Hamilton previously combined quota area, the straight line will be drawn along Mill Creek road to the quota area boundaries.

(C) In the Polson and Ronan quota areas, the straight line will be drawn from U.S. highway 93 west on Pablo West road to the quota area boundary and east on Clairmont road extending out to the quota area boundary. Any license existing as of November 24, 2017, within the Polson quota area will become a Polson license, regardless of where it falls in the new quota areas. Any license existing as of November 24, 2017, within the Ronan quota area will become a Ronan license, regardless of where it falls in the new quota areas.

(9) (a) For a period of 12 years after November 24, 2017, existing licenses or licenses that resulted from applications in process as of November 24, 2017, in either of two quota areas that were established as provided in 16-4-105 and subsection (8)(d) of this section may be transferred between the two quota areas if they were part of the combined quota area prior to November 24, 2017.

(b) If any new restaurant beer and wine licenses are allowed by separating a combined quota area that existed as of November 24, 2017, as provided in 16-4-105 and subsection (9)(a) of this

section, the department shall publish the availability of no more than one new restaurant beer and wine license a year until the quota has been reached.

(c) If any new restaurant beer and wine licenses are allowed by license transfers as provided in subsection (9)(a), the department may publish the availability of more than one new license a year until the quota has been reached.

(10) Except as provided in subsection (9)(b), when more than one new restaurant beer and wine license becomes available at the same time in the same quota area, the department shall conduct a separate competitive bidding process at separate times for each available license.

(11) When a restaurant beer and wine license becomes available by the initial issuance of licenses under this section or as the result of an increase in the population in a quota area, the nonrenewal of a restaurant beer and wine license, or the lapse or revocation of a license by the department, then the department shall advertise the availability of the license in the quota area for which it is available.

(12) When the department determines that a quota area is eligible for a new restaurant beer and wine license under subsection (9) or (11), the department shall use a competitive bidding process as provided in 16-4-430 to determine the party afforded the opportunity to apply for a new license.

(13) (a) ~~Under~~ Except as provided in subsection (13)(b), ~~a restaurant beer and wine license,~~ beer and wine may not be sold for off-premises consumption.

(b) A restaurant beer and wine licensee may apply to the department and pay a fee for an endorsement to, with the licensee's own equipment, trucks, and employees 21 years of age or older, deliver beer and wine in original packaging if the delivery includes food that is prepared by the licensee at the licensee's premises. The value of the delivered beer and wine may not exceed the value of the delivered food.

(14) An application for a restaurant beer and wine license must be accompanied by a fee equal to 20% of the initial licensing fee. If the department does not decide either to grant or to deny the license within 4 months of receipt of a complete application, the department shall pay interest on the application fee at the rate of 1% a month until a license is issued or the application is denied. Interest may not accrue during any period that the processing of an application is delayed by reason of a protest filed pursuant to 16-4-203 or 16-4-207. If the department denies an application, the application fee, plus any interest, less a processing fee established by rule, must be refunded to the applicant. Upon the issuance of a license, the licensee shall pay the balance of the initial licensing fee. The amount of the initial licensing fee is determined according to the following schedule:

(a) $5,000 for restaurants with a stated seating capacity of 60 persons or fewer;

(b) $10,000 for restaurants with a stated seating capacity of 61 to 100 persons; or

(c) $20,000 for restaurants with a stated seating capacity of 101 persons or more.

(15) The annual fee for a restaurant beer and wine license is $400.

(16) If a restaurant licensed under this part increases the stated seating capacity of the licensed restaurant or if the department determines that a licensee has increased the stated seating capacity of the licensed restaurant, then the licensee shall pay to the department the difference between the fees paid at the time of filing the original application and issuance of a license and the applicable fees for the additional seating.

(17) The number of beer and wine licenses issued to restaurants with a stated seating capacity of 101 persons or more may not exceed 25% of the total licenses issued.

(18) Possession of a restaurant beer and wine license is not a qualification for licensure of any gaming or gambling activity. A gaming or gambling activity may not occur on the premises of a restaurant with a restaurant beer and wine license.
(19) The department may adopt rules to implement this section."

And, as amended, do pass.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/18/2021
HB 195, be concurred in.
HB 437, be concurred in.
HB 566, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/17/2021
SR 38, be adopted.
HB 454, be concurred in.

JUDICIARY (Regier, Chair): 3/18/2021
HB 112, be concurred in.
HB 218, be concurred in.
HB 243, be concurred in.
HB 349, be concurred in.
HB 427, be concurred in.
HB 430, be amended as follows:

1. Title, line 8.
Following: "POSSESSION;"
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 3.
Following: "part 4,"
Strike: "or Title 70,"
Following: "chapter 27"
Insert: ", or chapter 33"

3. Page 2.
Following: line 3
Insert: "NEW SECTION. **Section 2.** {standard} **Effective date**. [This act] is effective on passage and approval."

And, as amended, be concurred in.

LOCAL GOVERNMENT (Gauthier, Chair): 3/17/2021
HB 255, be amended as follows:

1. Title, line 8.
Following: "DIRECTORS;"
Insert: "REQUIRING A PUBLIC HEARING FOR ANY PROPOSED WATER AND/OR SEWER DISTRICT RATE CHANGE;"
Strike: "PROVIDING THAT A DISTRICT"

2. Title, line 10 through line 12.
Strike: "SHALL" on line 10 through "PROTEST;" on line 12

3. Title, line 13.
Following: "7-13-2262,"
Insert: "AND"
Following: "7-13-2275,"
Strike: "7-13-2282, AND 7-13-2284,"

4. Page 2, line 13.
Following: "~~(b)~~"
Insert: "(a)"

5. Page 2, line 14.
Following: "7-13-2263"
Strike: "and must be filled as provided in subsections (2) and (3)"

6. Page 2, line 15.
Strike: "(2)"
Insert: "(b) A vacancy in the board of directors shall be filled by election except as provided in subsections (2) and (3).
(2)(a)"
Following: "are"
Strike: "no directors remaining on the board and"

7. Page 2, line 16.
Following: "appoint"
Insert: "up to"

8. Page 2.
Following: line 18
Insert: "(b) If the boundaries of the district include any unincorporated territory and the seat held by a board member originally appointed by the board of county commissioners under 7-13-2232(2) becomes vacant, the board shall allow the replacement director to be appointed by the board of county commissioners of each county containing the unincorporated territory."

9. Page 2, line 21.
Following: "municipality"
Insert: "as provided in 7-13-2232(2)"

Following: "vacant"
Strike: "and no nominees exist for the director position to be elected"

10. Page 2, line 24 through line 25.
Strike: "subsections" on line 24 through "(3)" on line 25
Insert: "subsection (2)(a)"

11. Page 4, line 13 through line 20.
Strike: subsection (7) in its entirety

12. Page 4, line 22 through page 5, line 26.
Strike: sections 5 and 6 in their entirety
Renumber: subsequent section

And, as amended, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 3/17/2021
SB 153, introduced bill, be amended as follows:

1. Title, line 6 through line 8.
Strike: "TRANSFERRING" on line 6 through "BOARD;" on line 8

2. Title, line 8.
Following: "TWO"
Insert: "STATE PARKS AND RECREATION"

3. Title, line 9.
Following: "OWNERS;"
Strike: "REVISING ENFORCEMENT PROVISIONS;"

4. Title, line 10.
Following: "PROJECT"
Insert: "AND BUDGET"

5. Title, line 10 through line 11.
Strike: "REQUIRING" on line 10 through "AUTHORITY;" on line 11

6. Title, line 13 through line 14.
Strike: "23-1-106," on line 13 through "87-1-294," on line 14

7. Title, line 15.
Following: "87-1-301,"
Strike: "87-1-303, 87-1-306, 87-1-502, 87-1-506,"
Following: "87-2-201,"
Insert: "AND"

Following: "87-2-202,"
Strike: "AND 87-6-201,"

8. Page 2, line 19 through page 25, line 26.
Strike: sections 2 through 19 in their entirety

9. Page 25.
Following: line 27
Insert: "**Section 2.** Section 87-1-301, MCA, is amended to read:

"**87-1-301. Powers of commission.** (1) Except as provided in subsections (6) and (7), the commission:

(a) shall set the policies for the protection, preservation, management, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department related to fish and wildlife as provided by law;

(b) shall establish the hunting, fishing, and trapping rules of the department;

(c) except as provided in 23-1-111 and 87-1-303(3), shall establish the rules of the department governing the use of lands owned or controlled by the department and waters under the jurisdiction of the department;

(d) must have the power within the department to establish wildlife refuges and bird and game preserves;

(e) shall approve all acquisitions or transfers by the department of interests in land or water, except as provided in 23-1-111 and 87-1-209(2) and (4);

(f) ~~except as provided in 23-1-111,~~ shall review ~~and approve~~ the budget of the department prior to its transmittal to the office of budget and program planning;

(g) except as provided in 23-1-111, shall review and approve construction projects that have an estimated cost of more than ~~$1,000 but less than $5,000~~ $50,000;

(h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as provided in 87-1-323. In developing or implementing an elk management plan, the commission shall consider landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or documented verbal opinion of an affected landowner regarding the impact upon the landowner's property within the particular hunting district where a restriction on elk hunting on public property is proposed.

(i) shall set the policies for the salvage of antelope, deer, elk, or moose pursuant to 87-3-145; and

(j) shall comply with, adopt policies that comply with, and ensure the department implements in each region the provisions of state wildlife management plans adopted following an environmental review conducted pursuant to Title 75, chapter 1, parts 1 through 3.

(2) The commission may adopt rules regarding the use and type of archery equipment that may be employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in archery equipment change.

(3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons, conditions, programs, or other provisions that the commission considers

appropriate to promote or enhance hunting by Montana's youth and persons with disabilities.

(4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

(i) separate deer licenses from nonresident elk combination licenses;

(ii) set the fees for the separated deer combination licenses and the elk combination licenses without the deer tag;

(iii) condition the use of the deer licenses; and

(iv) limit the number of licenses sold.

(b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and appropriate to regulate the harvest by nonresident big game combination license holders:

(i) for the biologically sound management of big game populations of elk, deer, and antelope;

(ii) to control the impacts of those elk, deer, and antelope populations on uses of private property; and

(iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-1-321 through 87-1-325.

(5) (a) Subject to the provisions of subsection (5)(b), the commission may adopt rules to:

(i) limit the number of nonresident mountain lion hunters in designated hunting districts; and

(ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting districts.

(b) The commission shall adopt rules for the use of and set quotas for the sale of Class D-4 nonresident hound handler licenses by hunting district, portions of a hunting district, group of districts, or administrative regions. However, no more than two Class D-4 licenses may be issued in any one hunting district per license year.

(c) The commission shall consider, but is not limited to consideration of, the following factors:

(i) harvest of lions by resident and nonresident hunters;

(ii) history of quota overruns;

(iii) composition, including age and sex, of the lion harvest;

(iv) historical outfitter use;

(v) conflicts among hunter groups;

(vi) availability of public and private lands; and

(vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters.

(6) The commission may not regulate the use or possession of firearms, firearm accessories, or ammunition, including the chemical elements of ammunition used for hunting. This does not prevent:

(a) the restriction of certain hunting seasons to the use of specified hunting arms, such as the establishment of special archery seasons;

(b) for human safety, the restriction of certain areas to the use of only specified hunting arms, including bows and arrows, traditional handguns, and muzzleloading rifles;

(c) the restriction of the use of shotguns for the hunting of deer and elk pursuant to 87-6-401(1)(f);

(d) the regulation of migratory game bird hunting pursuant to 87-3-403; or

(e) the restriction of the use of rifles for bird hunting pursuant to 87-6-401(1)(g) or (1)(h).

(7) Pursuant to 23-1-111, the commission does not oversee department activities related to the administration of state parks, primitive parks, state recreational areas, public camping grounds, state historic sites, state monuments, and other heritage and recreational

resources, land, and water administered pursuant to Title 23, chapter 1, and Title 23, chapter 2, parts 1, 4, and 9." "
Renumber: subsequent sections

10. Page 25, line 28 through page 29, line 24.
Strike: section 20 through section 23 in their entirety
Renumber: subsequent sections

11. Page 31, line 3 through line 9.
Strike: section 26 in its entirety
Renumber: subsequent sections

12. Page 31, line 13.
Strike: "25"
Insert: "4"

And, as amended, do pass.

HB 131, be concurred in.
HB 152, be concurred in.
HB 594, be concurred in.
HJ 15, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/17/2021
HB 57, be concurred in.
HB 276, be amended as follows:

1. Page 1, line 13.
Strike: "11"
Insert: "nine"

2. Page 1, line 14.
Strike: "Three"
Insert: "Two"

3. Page 1, line 14.
Strike: "three"
Insert: "two"

And, as amended, be concurred in.

HB 280, be concurred in.
HB 341, be concurred in.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORT

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/17/2021
SR 39, be **not** adopted. Adverse Committee Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/17/2021

SB 53, introduced by J. Welborn
SB 129, introduced by G. Hertz
SB 133, introduced by G. Hertz
SB 193, introduced by S. Hinebauch
SB 205, introduced by B. Hoven

House bill passed and transmitted to the Senate for concurrence: 3/17/2021

HB 609, introduced by S. Kerns

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 609, introduced by S. Kerns, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sweeney in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 57 - Senator Howard moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 57**. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 163 - Senator Brown moved **HB 163** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 224 - Senator Brown moved **HB 224** be concurred in. Motion carried as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 225 - Senator Brown moved **HB 225** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 260 - Senator Hertz moved **HB 260** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: McGillvray, Molnar.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 353 - Senator Hinebauch moved **HB 353** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Gross, Pomnichowski.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 281 - Senator Fitzpatrick moved **HB 281** be concurred in. Motion **failed** as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Small, Smith C, Vance, Mr. President.

Total 25

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Webber, Welborn.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gross arose on a point of order and stated the side conversations in the chamber were making it difficult for other persons to hear the floor discussion.

HB 281 - Senator C. Smith moved **HB 281** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gauthier, Gillespie, Jacobson, Kary, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 30

Nays: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 309 - Senator Hinebauch moved **HB 309** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon,

Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: Molnar.
Total 1

HB 47 - Senator Ellis moved **HB 47** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 58 - Senator Cuffe moved **HB 58** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 71 - Senator Kary moved **HB 71** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Bennett, Boldman, Cohenour, Flowers, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 178 - Senator Ellsworth moved **HB 178** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Mr. President.
Total 45

Nays: Kary, Lynch, McClafferty, Vance, Welborn.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 95 - Senator Bennett moved **HB 95** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 97 - Senator Bennett moved **HB 97** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 28

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Welborn, Mr. President.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 304 - Senator Fitzpatrick moved **HB 304** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Glimm, Hinebauch, Keenan, Manzella, Regier K.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Sweeney moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 40

Nays: Bennett, Boland, Cohenour, Gross, McClafferty, Morigeau, Pomnichowski, Pope, Sands, Webber.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were

disposed of in the following manner:

SB 38, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 115, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 208 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 48

Nays: Keenan, Vance.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 20 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 98 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Webber, Mr. President.
Total 38

Nays: Ellsworth, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, Regier K, Tempel, Vance, Welborn.
Total 12

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 198 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 46

Nays: Glimm, Hinebauch, Keenan, Mr. President.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 220 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 38

Nays: Brown, Cuffe, Ellsworth, Glimm, Kary, Keenan, Manzella, Regier K, Smith C, Vance, Welborn, Mr. President.
Total 12

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 232 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Glimm, Hinebauch, Keenan, McGillvray.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 266 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 268 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 270 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 271 concurred in as follows:

Yeas: Ankney, Bogner, Boland, Brown, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance,

Welborn, Mr. President.
Total 33

Nays: Bennett, Boldman, Cohenour, Cuffe, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 425 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Vance moved the Senate reconsider its action on **SB 335**, indefinitely postponed the previous legislative day, and that **SB 335** be re-referred to committee for amendment. Motion **failed** as follows.

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Small, Smith C, Vance, Mr. President.
Total 25

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Webber, Welborn.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hertz moved the Senate reconsider its action on **HB 281**, indefinitely postponed this legislative day, and that **HB 281** be re-referred to committee for amendment. Motion failed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Small, Smith C, Vance, Mr. President.
Total 25

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Webber, Welborn.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved that **HB 445** be taken from the Highways and Transportation Committee and and re-referred to the Business, Labor and Economic Affairs Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 260**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Friday, March 19, 2021, the fifty-fifth legislative day. Motion carried.

Senate adjourned at 2:53 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FIFTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 19, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/19/2021

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the forty-sixth through the fiftieth legislative days, find the same to be correct.

Correctly printed: **SR 38**, **SR 57**, **HB 47**, **HB 57**, **HB 58**, **HB 71**, **HB 95**, **HB 97**, **HB 112**, **HB 131**, **HB 152**, **HB 163**, **HB 178**, **HB 195**, **HB 218**, **HB 224**, **HB 225**, **HB 243**, **HB 260**, **HB 280**, **HB 304**, **HB 309**, **HB 341**, **HB 349**, **HB 353**, **HB 427**, **HB 437**, **HB 454**, **HB 566**, **HB 594**, **HJ 15**.
Correctly engrossed: **SB 153**, **SB 320**, **HB 255**, **HB 276**, **HB 430**.
Correctly enrolled: **SR 29**.
Examined by the sponsor and found to be correct: **SR 29**.
Transmitted to the House: **SB 208**, **HB 20**, **HB 98**, **HB 198**, **HB 220**, **HB 232**, **HB 266**, **HB 268**, **HB 270**, **HB 271**, **HB 425**.
Signed by the Secretary of the Senate at 9:00 a.m., March 18, 2021: **SB 125**.
Signed by the Secretary of the Senate at 4:00 p.m., March 18, 2021: **SR 32**.
Signed by the President at 4:45 p.m., March 18, 2021: **SB 125**, **SR 32**.
Signed by the Speaker at 9:45 a.m., March 19, 2021: **SB 125**.
Delivered to the Secretary of State at 2:54 a.m., March 19, 2021: **SR 32**.
Delivered to the Governor for information, March 19, 2021: **SR 32**.
Delivered to the Governor for signature at 2:51 p.m., March 19, 2021: **SB 125**.

Senator Hoven arose on a point of personal privilege and apologized for presenting misinformation during the second-reading discussion of **SB 273**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Lang, Chair): 3/18/2021
SB 326, introduced bill, be amended as follows:

1. Title, line 8 through line 9.
Strike: "PROVIDING" on line 8 through "ASSESSMENTS;" on line 9

2. Title, line 9.
Following: "ASSESSMENTS;"
Insert: "REPEALING CERTAIN DISTRICT COURT REQUIREMENTS;"

3. Title, line 9.
Strike: "85-7-2016"
Insert: "85-7-2015,"

4. Title, line 9.
Following: "85-7-2016"
Strike: ","
Following: "85-7-2019,"
Insert: "85-7-2031"
Title, line 9.
Strike: "AND"

6. Title, line 10.
Following: line 9
Insert: "AND 85-7-2115,"
Following: the first "MCA;"
Insert: "REPEALING SECTIONS 85-7-2016, 85-7-2017, AND 85-7-2018, MCA;"

8. Page 1, line 14.
Following: "**special**"
Insert: "taxes or"

9. Page 1, line 15.
Strike: "an irrigation district may adopt a resolution to"
Insert: "the board of commissioners may"

10. Page 1, line 16.
Following: "part"
Insert: "that may result in a resolution pursuant to [section 7]"

11. Page 1, line 17.
Following: "85-7-2012."
Insert: "The costs of improvements may include the costs of bond issuance and a debt service reserve securing the repayment of bonds."

12. Page 1, line 18.
Following: "part"
Strike: "to issue bonds by adopting a resolution"

13. Page 1, line 19.
Following: "improvements"
Strike: "in"

14. Page 1, line 20.
Following: "acre"
Insert: "to repay the bonds"

15. Page 1, line 23 through line 26.
Strike: "The" on line 23 through "determine" on line 26
Insert: "If the board of commissioners determines to undertake special tax or assessment proceedings to authorize the issuance of bonds, the board shall first determine"

16. Page 1, line 28.
Strike: "(3)"
Insert: "(2)"
Renumber: subsequent subsections

17. Page 1, line 28.
Strike: "conditions in subsections (1) and (2) are"
Insert: "condition in subsection (1) is"
Renumber: subsequent subsections

18. Page 2, line 2.
Strike: "(4)"
Insert: "(3)"
Renumber: subsequent subsections

19. Page 2, line 4.
Following: "special"
Insert: "taxes or"
Following: "assessments"
Insert: ", and, if a subdistrict, include a map and description of the boundaries of the subdistrict"

21. Page 2, line 6 through line 7.
Following: "and" on line 6
Strike: remainder of line 6 through line 7 in their entirety
Insert: "the estimated costs of the improvements and of the estimated maximum principal amount of the bonds;"

22. Page 2, line 9.
Following: the first "acre"
Insert: "; and
(e) provide an estimate of the dollar amount proposed to be assessed against each irrigable acre based on the estimated maximum principal amount of the bonds"

23. Page 2, line 10.
Strike: "(5)"
Insert: "(4)"

Renumber: subsequent subsections

24. Page 2, line 11.
Strike: "the"
Insert: "this"

25. Page 2, line 12.
Strike: "(6)"
Insert: "(5)"
Renumber: subsequent subsections

26. Page 2, line 16.
Following: "**special**"
Insert: "taxes or"

27. Page 2, line 18.
Strike: "[section 1]"
Insert: "[section 2]"

28. Page 2, line 20.
Following: the third "the"
Strike: "proposed"
Following: "district"
Insert: "or subdistrict"

30. Page 2, line 24.
Following: "improvements"
Insert: "and the estimated maximum principal amount of the bonds"

31. Page 2, line 25.
Strike: "generally that the costs of the improvements will be taxed or assessed"
Insert: "that the debt service on the bonds will be repaid by a tax or assessment levied"

32. Page 2, line 26.
Following: the first "acre"
Insert: ";
(iv) state the dollar amount to be levied against each irrigable acre based on the estimated maximum principal amount of the bonds;
(v) state that the deadline for the receipt of protests against the proposed issuance of the bonds or levy of special taxes or assessment, or both, is 5 p.m. on the date of the end of the protest period pursuant to [section 4]"

33. Page 2, line 27.
Strike: "(iv)"
Insert: "(vi)"

34. Page 2, line 28.
Following: the first "the"
Insert: "proposed issuance of the bonds or"
Following: "assessments"
Insert: ", or both"

36. Page 3, line 7.
Strike: "any proceeding pursuant to [section 1]"
Insert: "the notice and protest"

38. Page 3, line 7.
Following: "protest"
Insert: "proceedings if the error or mistake is corrected in a timely manner"

39. Page 3, line 9.
Following: "**special**"
Insert: "taxes or"

40. Page 3, line 11.
Strike: "work"
Insert: "costs of improvements"

41. Page 3, line 11.
Strike: "[section 3]"
Insert: "[section 2]"

42. Page 3, line 12.
Strike: "work"
Insert: "issuance of the bonds"

43. Page 3, line 12.
Following: "levy"
Insert: "of special taxes or assessments"

44. Page 3, line 19.
Following: "assessed."
Insert: "The term does not include a tenant or other holder of a leasehold interest in the irrigable acres."

45. Page 3, line 26.
Strike: "[section 1]"
Insert: "[section 6]"

46. Page 4, line 1.
Following: the first "**to**"

Insert: "bar the issuance of bonds and to"
Following: "**bar**"
Strike: "**the**"
Following: "**special**"
Insert: "tax or"

48. Page 4, line 2.
Strike: "Further proceedings pursuant to [section 1] may not be taken"
Insert: "The board of commissioners may not authorize or hold further special tax or assessment proceedings to seek the authorization of the issuance of bonds"

49. Page 4, line 4.
Strike: "cost of the proposed improvements"
Insert: "costs of improvements to be financed with the bonds"

50. Page 4, line 6.
Following: "**special**"
Insert: "taxes or"

51. Page 4, line 6 through line 7.
Strike: "--" on line 6 through the first "improvements" on line 7

52. Page 4, line 7 through line 16.
Following: "(1)" on line 7
Strike: remainder of line 7 through line 16 in their entirety
Insert: "If the board of commissioners finds that a protest is made by the owners of irrigable acres to be assessed for not more than 50% of the costs of improvements to be financed with the bonds, the board of commissioners following the public hearing described in [section 5] may adopt a resolution approving the levy of a special tax or assessment to repay the bonds in accordance with the resolution of intention that was introduced and passed by the board.
(2)"

53. Page 4, line 16.
Following: "(2) "
Insert: "The board may issue bonds to pay or reimburse the costs of the improvements when:
(a)sufficient protests have not been delivered to the secretary within the protest period pursuant to [section 4];
(b)protests have been found by the board to be insufficient or have been overruled;
(c)conditions for proceeding with the improvements have been or will be satisfied to the satisfaction of the board of commissioners; and
(d)the requirements of 85-7-2014 and 85-7-2015 are satisfied."

54. Page 4, line 19.
Strike: "related to [section 1]"
Insert: "on a special tax or assessment for the repayment of bonds"

55. Page 4, line 21.
Strike: "pursuant to [section 1]"
Insert: "to repay the bonds"

56. Page 4, line 26.
Strike: "pursuant to [section 1]"
Insert: "for the repayment of bonds"

57. Page 4, line 27.
Following: "secretary"
Insert: ","
Following: the first "and"
Insert: "delivered to"

60. Page 4, line 27.
Strike: ","
Insert: "and the irrigation district has issued or will issue the bonds pursuant to 85-7-2014 and"

61. Page 4, line 27.
Following: the second "and"
Insert: "85-7-2015,"

62. Page 5, line 7.
Following: "bonds"
Strike: "pursuant to [section 1]"

63. Page 5, line 12 through page 6, line 17.
Strike: line 12 through "year" on page 6, line 17

64. Page 6, line 19.
Strike: "**14**"
Insert: "10"

65. Page 6, line 20.
Strike: "resolution"
Insert: "protest"

66. Page 7, line 8.
Strike: "pursuant to [section 1] and"
Insert: "to repay bonds pursuant to [section 7] following"

67. Page 7, line 9.
Strike: "comprise"
Insert: "comprises"

68. Page 7, line 10.
Strike: "cost"
Insert: "costs"

69. Page 7, line 24.
Strike: "[section 1]"
Insert: "[section 7]"

70. Page 7, line 26.
Strike: "or"
Insert: ","

71. Page 7, line 26.
Following: "petition"
Insert: ", or resolution adopted pursuant to [section 7]"

72. Page 8.
Following: line 10
Insert: "**Section 12.** Section 85-7-2015, MCA, is amended to read:
"**85-7-2015. Effect of contracting with United States.** If contract is to be made with the United States as provided in 85-7-1906 and bonds are not to be deposited with the United States in connection with the contract, the board of commissioners need not authorize the issuance of bonds, or if bonds are required in addition to the contract, the commissioners may authorize bonds only for the amount needed in addition to the contract. ~~Such order or resolution shall also provide for the confirmation proceedings in the district court as provided in 85-7-2016 through 85-7-2018 .~~" "
Renumber: subsequent sections

73. Page 8, line 11 through line 22.
Strike: section 17 in its entirety
Renumber: subsequent sections

76. Page 8, line 24.
Strike: "**Section 18.**"
Insert: "."

77. Page 9, line 3 through line 4.
Strike: "," on line 3 through "indebtedness" on line 4

78. Page 9, line 4.
Following: "series."
Insert: "If the average annual interest rate of the refunding bonds is more than the average annual interest rate on the bonds being refunded or the term of the bonds being refunded is extended by the refunding bonds, a petition must be filed with the board of commissioners before proceeding with the refunding."

79. Page 9.
Following: line 23
Insert: "**Section 14.** Section 85-7-2031, MCA, is amended to read:
"**85-7-2031. Amending or supplementing United States contracts -- effect on indebtedness.** The board of commissioners of any irrigation district established and organized under and by virtue of the laws of Montana, whenever deemed advisable and to the interests of the district, shall have the power and authority to enter into any contract with the United States supplementing or amending any original contract with the United States, said original contract having been entered into pursuant to the provisions of 85-7-1906 and 85-7-2012 through ~~85-7-2018~~ 85-7-2015; provided, that such supplementary or amendatory contract does not increase the amount of the principal indebtedness of the district to the United States as it exists at the date of the supplementary or amendatory contract authorized under the provisions of 85-7-2012 through 85-7-2015.""
Renumber: subsequent sections

81. Page 9, line 24.
Strike: "**16**"
Insert: "15"

83. Page 9, line 27 through page 10, line 1.
Following: "necessary" on line 27
Strike: remainder of line 27 through "contract" on page 10, line 1

84. Page 10.
Following: line 5
Insert: "**Section 16.** Section 85-7-2115, MCA, is amended to read:
"**85-7-2115. Objection by landowner.** If a landowner objects to the proceedings of the board in determining the irrigable area in the landowner's own or any other tract of land or the amount or rate per acre of the special tax and assessment to be levied against each irrigable acre in the district or subdistrict for the purposes of the proposed bond issue and the objection is overruled by the board, the objection without further proceedings must be regarded as appealed to the district court ~~and must, with the other proceedings of the board at the meeting, be heard at the proceedings to confirm the bonds, as provided in 85-7-2016 through 85-7-2018~~. When confirmed, the order overruling the objection and confirming the order of the board determining the irrigable area of each tract of land and apportioning the cost of the improvement to each tract becomes final, binding, and conclusive upon the landowner and upon the district unless appealed ~~from as provided in 85-7-2018~~.""
Insert: "NEW SECTION. **Section 17. {standard} Repealer.** The following sections of the Montana Code Annotated are repealed:
85-7-2016. Confirmation by district court.
85-7-2017. Hearing and procedure in the district court.
85-7-2018. District court findings and order -- appeal."
Renumber: subsequent sections

85. Page 10, line 6.
Strike: "[Sections 1 through 13]"
Insert: "[Section 1 through 9]"

86. Page 10, line 8.
Strike: "[sections 1 through 13]"
Insert: "[sections 1 through 9]"

And, as amended, do pass.

SR 87, be adopted.
SR 89, be adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/18/2021
HB 379, be amended as follows:

1. Title, line 4.
Following: "SEX"
Insert: "OR MARITAL STATUS"

2. Page 1, line 22.
Following: "sex"
Insert: "or marital status"

3. Page 1, line 24.
Following: line 23
Insert: "or marital status"

And, as amended, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 3/18/2021
SB 336, do pass.
HB 306, be concurred in.
HB 438, be concurred in.
HB 482, be concurred in.
HJ 10, be concurred in.

JUDICIARY (Regier, Chair): 3/19/2021
HB 223, be amended as follows:

1. Page 1, line 28.
Strike: "who has provided proof"
Insert: "if presented with credible evidence"

2. Page 2.

Following: line 1
Insert: "(5) To meet the duty established in this section, a public safety officer may not maintain custody of a person subject to a detainer for longer than 48 hours, excluding weekends and holidays, beyond the time that the person would otherwise have been released from custody."

And, as amended, be concurred in.

HB 258, be concurred in.
HB 325, be amended as follows:

1. Page 2, line 12.
Strike: "from"
Insert: "for"

And, as amended, be concurred in.

HB 504, be amended as follows:

1. Page 1, line 24.
Following: "seize"
Insert: ","

2. Page 2, line 25.
Following: "conviction."
Insert: "(5) Nothing in this section may be construed to infringe on the rights of private landowners or the person who is in control of the property, including a tenant or lessee, to regulate firearms on their property."

And, as amended, be concurred in.

TAXATION (Hoven, Chair): 3/19/2021
HJ 6, be concurred in.
HB 346, be concurred in.
HB 432, be concurred in.

MESSAGES FROM THE GOVERNOR

March 19, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Blasdel:

On Thursday, March 18, 2021 I signed **Senate Bill 118** -- Gauthier.

The bill has been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/18/2021

SB 113, introduced by S. Fitzpatrick
SB 128, introduced by S. Fitzpatrick
SB 152, introduced by B. Hoven
SB 154, introduced by J. Small
SB 170, introduced by D. Kary
SB 200, introduced by D. Sands
SB 227, introduced by S. Fitzpatrick
SB 262, introduced by M. Cuffe

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:
3/18/2021

SB 49, introduced by M. Blasdel

House bill passed and transmitted to the Senate for concurrence: 3/18/2021

HB 525, introduced by E. Buttrey

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 386, introduced by P. Flowers, referred to Taxation.
SB 387, introduced by B. Hoven, referred to State Administration.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 94, introduced by D. Howard, referred to Public Health, Welfare and Safety.

The following House bill was introduced, read first time, and referred to committee:

HB 525, introduced by E. Buttrey, M. Blasdel, T. Jacobson, W. Galt, J. Small, J. Ellsworth, D. Harvey, A. Buckley, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lang in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 101 - **House Amendments** - Majority Leader Smith moved House amendments to **SB 101** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 43 - Senator Hinebauch moved **HB 43** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 37 - Senator Sands moved **HB 37** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 208 - Senator McGillvray moved **HB 208** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp,

Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 46

Nays: Boland, McClafferty, Pomnichowski, Webber.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 39 - Senator Sands moved **HB 39** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 275 - Senator Gross moved **HB 275** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 295 - Senator McGillvray moved **HB 295** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Kary, Lang.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 14 - Senator Sales moved **SJ 14** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 88 - Senator Cuffe moved **HB 88** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 81 - Senator Osmundson moved **HB 81** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 34 - Senator Fox moved **HB 34** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: McGillvray.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 548 - Senator Lynch moved **HB 548** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 43

Nays: Cuffe, Esp, Howard, Keenan, McGillvray, Smith C, Tempel.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 285 - Senator Hinebauch moved **SB 285** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 396 - Senator Jacobson moved **HB 396** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Lang moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 35 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Webber, Welborn, Mr. President.
Total 42

Nays: Bogner, Glimm, Hinebauch, Howard, Manzella, Regier K, Tempel, Vance.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 47 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 58 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 71 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 95 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 97 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Howard, Jacobson, Kary, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Webber.
Total 26

Nays: Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 163 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 178 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Mr. President.
Total 46

Nays: Glimm, Keenan, Vance, Welborn.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 224 concurred in as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 225 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 304 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.

Total 44

Nays: Glimm, Hinebauch, Keenan, Manzella, Regier K, Welborn.
Total 6

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 309 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 353 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Gross, Pomnichowski, Pope.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Flowers moved to change his third-reading vote on **HB 225** from Yes to No. Without objection, so ordered.

Senator McGillvray moved to change his third-reading vote on **HB 97** from Yes to No. Without objection, so ordered.

Senator McGillvray moved that **HB 276** be taken from the second reading board and re-referred to the Public Health, Welfare, and Safety Committee. Without objection, so ordered.

Senator Fitzpatrick moved the Senate reconsider its action on **HB 281**, indefinitely postponed the previous legislative day. Motion **failed** as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 24

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 26

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Molnar moved to change his third-reading vote on **HB 97** from Yes to No. Without objection, so ordered.

Majority Leader Smith moved that **SB 285**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Monday, March 22, 2021, the fifty-sixth legislative day. Motion carried.

Senate adjourned at 2:20 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FIFTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 22, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Welborn excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/22/2021

Correctly printed: **SB 285**, **SB 336**, **SB 386**, **SB 387**, **SJR 14**, **SR 87**, **SR 89**, **SR 94**, **HB 34**, **HB 37**, **HB 39**, **HB 43**, **HB 81**, **HB 88**, **HB 208**, **HB 258**, **HB 275**, **HB 276**, **HB 295**, **HB 306**, **HB 346**, **HB 396**, **HB 432**, **HB 438**, **HB 482**, **HB 548**, **HJ 6**, **HJ 10**.
Correctly engrossed: **SB 326**, **HB 176**, **HB 223**, **HB 325**, **HB 379**, **HB 504**.
Transmitted to the House: **HB 35**, **HB 47**, **HB 58**, **HB 71**, **HB 95**, **HB 97**, **HB 163**, **HB 178**, **HB 224**, **HB 225**, **HB 304**, **HB 309**, **HB 353**.
Signed by the Secretary of the Senate at 3:30 p.m., March 19, 2021: **SR 29**.
Signed by the President at 9:50 a.m., March 22, 2021: **SR 29**.
Delivered to the Secretary of State at 12:32 p.m., March 22, 2021: **SR 29**.
Delivered to the Governor for information March 22, 2021: **SR 29**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/22/2021
HB 121, be concurred in.
HB 201, be concurred in.
HB 289, be concurred in.
HB 435, be concurred in.
HB 440, be concurred in. .

JUDICIARY (Regier, Chair): 3/22/2021
HB 211, be concurred in.
HB 541, be amended as follows:

1. Title, line 5.
Following: "PERSONS"
Insert: "OR TRESPASSERS"

2. Title, line 9.
Following: "DEFINITIONS;"
Strike: "AND"

3. Title, line 11.
Strike: "70-33-422,"
Insert: "70-33-430,"

4. Title, line 12.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

5. Page 1, line 16.
Following: "**person**"
Insert: "**or trespasser"**
Following: "An unauthorized person"
Insert: "or trespasser"

6. Page 1, line 18.
Following: "unauthorized person"
Insert: "or trespasser"

7. Page 2, line 2.
Following: "premises"
Insert: "unless the landlord does not accept abandonment or surrender"
Following: "70-24-426"
Insert: "or unless the rental agreement has been terminated as provided by law"

8. Page 3.
Following: line 23
Insert: "(17) "Single-family residence" means a structure maintained and used as a single dwelling unit. A dwelling unit that shares one or more walls with another dwelling unit is a single-family residence if it has direct access to a street or thoroughfare and does not share heating facilities, hot water equipment, or any other essential facility or service with another dwelling unit."
Renumber: subsequent subsections

9. Page 3, line 28.
Following: the first "person"
Insert: "or trespasser"

10. Page 4, line 1.
Following: "remains"
Strike: "for more than 24 hours"

11. Page 6, line 2.
Following: "subsection"
Insert: "(1)(g)"

12. Page 6, line 8.
Following: "and tenant"
Strike: "of a one-, two-, or three-family residence"

13. Page 6, line 12.
Following: "and tenant"
Strike: "of a one-, two-, or three-family residence"

14. Page 8, line 12 through line 13.
Strike: subsection (d) in its entirety
Renumber: subsequent subsections

15. Page 8, line 14.
Following: "subsection (1)(b)"
Insert: ","
Strike: "or"

16. Page 8, line 14.
Following: "(1)(c)"
Insert: ", or (1)(f)"

17. Page 8, line 18.
Following: "tenant"
Strike: "or guest"

18. Page 8, line 21 through line 22.
Strike: subsection (h) in its entirety

19. Page 11, line 9 through line 10.
Strike: "in any lease" on line 9 through "notification" on line 10

20. Page 12, line 11.
Following: "premises"
Insert: "unless the landlord does not accept abandonment or surrender"
Following: "70-33-426"
Insert: "or unless the rental agreement has been terminated as provided by law"

21. Page 13, line 23.
Following: the first "person"
Insert: "or trespasser"

22. Page 13, line 24.
Following: "remains"
Strike: "for more than 24 hours"

23. Page 14, line 25.
Following: "building"
Insert: ","
Strike: "and"

24. Page 14, line 25.
Following: "housing"
Insert: ", and health department"

25. Page 14, line 26.
Following: "safety"
Insert: "at the time of original construction"

26. Page 18, line 2 through line 22.
Strike: section 16 in its entirety
Insert: "**Section 16.** Section 70-33-430, MCA, is amended to read:

"**70-33-430. Disposition of abandoned personal property.** (1) (a) If a tenancy terminates by court order, the personal property is considered abandoned and the landlord may immediately dispose of the personal property as allowed by law.

(b) If a tenancy terminates in any manner ~~except by~~ other than by court order, if the landlord reasonably believes that the tenant has abandoned all personal property that the tenant has left on the premises, and if at least ~~5 days~~ 48 hours have elapsed since the occurrence of the events upon which the landlord has based the belief of abandonment, the landlord may remove the property from the premises.

(2) The landlord shall inventory and store all personal property of the tenant in a place of safekeeping and shall exercise reasonable care for the property. The landlord may charge a reasonable storage and labor charge if the property is stored by the landlord, plus the cost of removal of the property to the place of storage. The landlord may store the property in a commercial storage company, in which case the storage cost includes the actual storage charge plus the cost of removal of the property to the place of storage.

(3) After complying with subsections (1) and (2), the landlord shall:

(a) make a reasonable attempt to notify the tenant in writing that the property must be removed from the place of safekeeping;

(b) notify the local law enforcement office of the property held by the landlord;

(c) make a reasonable effort to determine if the property is secured or otherwise encumbered; and

(d) send a notice by certified mail to the last-known address of the tenant and each known party having a lien or encumbrance of record, stating that at a specified time, not less than 15 days after mailing the notice, the property will be disposed of if not removed.

(4) The landlord may dispose of the property after complying with subsection (3) by:

(a) selling all or part of the property at a public or private sale; or

(b) destroying or otherwise disposing of all or part of the property if the landlord reasonably believes that the value of the property is so low that the cost of storage or sale exceeds the reasonable value of the property.

(5) (a) If the tenant, upon receipt of the notice provided in subsection (3), responds in writing

to the landlord on or before the day specified in the notice that the tenant intends to remove the property and does not do so within 7 days after delivery of the tenant's response, the tenant's property is conclusively presumed to be abandoned.

(b) If the tenant removes the property, the landlord is entitled to storage costs for the period that the property remains in safekeeping, plus the cost of removal of the property to the place of storage. Reasonable storage costs are allowed to a landlord who stores the property, and actual storage costs are allowed to a landlord who stores the property in a commercial storage company. A landlord is entitled to payment of the storage costs allowed under this subsection before the tenant may remove the property.

(6) The landlord is not responsible for any loss to the tenant resulting from storage unless the loss is caused by the landlord's purposeful or negligent act, in which case the landlord is liable for actual damages.

(7) A public or private sale authorized by this section must be conducted under the provisions of 30-9A-610 or the sheriff's sale provisions of Title 25, chapter 13, part 7.

~~(7) (a)~~ (8) The landlord may deduct from the proceeds of the sale the reasonable costs of notice, storage, labor, and sale and, subject to any prior security interest of record, any delinquent rent or damages owing on the premises. The landlord shall remit to the tenant the remaining proceeds, if any, together with an itemized accounting.

~~(b)~~ If the tenant cannot after due diligence be found, the remaining proceeds must be deposited with the county treasurer of the county in which the sale occurred and, if not claimed within 3 years, must revert to the general fund of the county.

(9) The landlord shall ensure that the terms of this section are included in plain and understandable language as a notification upon termination of the lease or rental agreement." "

27. Page 21.
Following: line 8
Insert: "NEW SECTION. **Section 19. {standard} Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in.

LOCAL GOVERNMENT (Gauthier, Chair): 3/19/2021
HB 259, be concurred in.
HB 444, be amended as follows:

1. Title, line 6.
Following: "REVIEW;"
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2.
Following: line 16
Insert: "NEW SECTION. **Section 2.** {standard} **Effective date**. [This act] is effective on passage and approval."

And, as amended, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/19/2021
HB 574, be concurred in.

STATE ADMINISTRATION (Kary, Chair): 3/19/2021
HB 146, be amended as follows:

1. Title, line 7.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 2.
Following: line 12
Insert: "NEW SECTION. **Section 6. Termination**. [This act] terminates December 31, 2025."

And, as amended, be concurred in.

HB 176, be amended as follows:

1. Title, line 13.
Following: "ELECTION;"
Strike: "AND"

2. Title, line 14.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 5.
Following: line 25
Insert: "NEW SECTION. **Section 6.** {standard} **Effective date**. [This act] is effective on passage and approval."

And, as amended, be concurred in.

HB 221, be amended as follows:

1. Title, line 8.
Following: "CONTRIBUTIONS;"
Insert: "PROVIDING THAT IN-KIND CHILD CARE PROVIDED BY CERTAIN INDIVIDUALS IS NOT A CONTRIBUTION;"

2. Page 1.
Following: line 21
Insert: "(4) In-kind child care provided to the candidate while the candidate is engaging in campaign

activity by the candidate's family or an individual known to the candidate is not a contribution and is not reportable under this chapter. The commissioner shall broadly construe this provision."

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/19/2021

SB 13, introduced by J. Cohenour
SB 52, introduced by J. Ellsworth
SB 58, introduced by M. Cuffe
SB 109, introduced by D. Salomon
SB 276, introduced by M. Cuffe

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:
3/19/2021

SB 156, introduced by B. Bennett

House bill passed and transmitted to the Senate for concurrence: 3/19/2021

HB 329, introduced by S. Vinton

Senate amendments to House bills concurred in: 3/19/2021

HB 130, introduced by D. Bedey
HB 177, introduced by F. Garner
HB 313, introduced by J. Gillette

HB 337, introduced by C. Hinkle, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:
3/19/2021

Yeas - 66 Nays - 33

HB 384, introduced by S. Gunderson, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:
3/19/2021

Yeas - 66 Nays - 33

HB 385, introduced by S. Gunderson, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

3/19/2021

Yeas - 66 Nays - 33

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 388, introduced by G. Hertz, M. Blasdel, referred to Local Government.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 95, introduced by K. Regier, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 337, introduced by C. Hinkle, E. Buttrey, D. Skees, J. Read, D. Kary, T. McGillvray, K. Regier, C. Smith, G. Vance, L. Jones, B. Keenan, B. Molnar, J. Fielder, D. Lenz, W. Galt, S. Berglee, B. Brown, J. Hinkle, K. Holmlund, T. Manzella, W. McKamey, M. Noland, V. Ricci, B. Tschida, S. Hinebauch, S. Gunderson, M. Regier, L. Sheldon-Galloway, J. Trebas, D. Bartel, C. Knudsen, B. Usher, J. Patelis, S. Vinton, M. Hopkins, F. Fleming, N. Duram, J. Fuller, R. Knudsen, J. Dooling, K. Bogner, J. Kassmier, T. Moore, S. Greef, B. Ler, B. Phalen, F. Nave, J. Carlson, L. Brewster, B. Mitchell, A. Regier, P. Fielder, S. Kerns, S. Galloway, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Malone, J. Gillette, G. Frazer, M. Binkley, R. Marshall, referred to Judiciary.
HB 384, introduced by S. Gunderson, referred to State Administration.
HB 385, introduced by S. Gunderson, referred to State Administration.

The following House bill was introduced and read first time:

HB 329, introduced by S. Vinton, M. Cuffe, D. Skees, D. Salomon, D. Kary, T. McGillvray, D. Howard, C. Smith, J. Welborn, B. Hoven, M. Blasdel, B. Molnar, C. Glimm, D. Lenz, W. Galt, S. Berglee, B. Brown, K. Holmlund, W. McKamey, V. Ricci, B. Tschida, S. Gunderson, D. Loge, F. Anderson, L. Sheldon-Galloway, J. Trebas, C. Knudsen, W. Sales, T. Welch, B. Beard, N. Duram, R. Knudsen, K. Bogner, J. Kassmier, B. Mercer, T. Moore, D. Bedey, S. Greef, B. Ler, B. Phalen, F. Nave, J. Carlson, L. Brewster, K. Zolnikov, B. Mitchell, A. Regier, L. Reksten, P. Fielder, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Stromswold, C. Hinkle, G. Frazer, M. Binkley, R. Marshall, K. Whitman.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for

consideration of business on second reading. Motion carried. Senator Flowers in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 153 - Majority Leader Smith moved consideration of **SB 153** be passed for the day. Without objection, so ordered.

SR 38 - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 38**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HJ 17 - Senator O'Brien moved **HJ 17** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 44

Nays: Brown, Esp, Howard, Keenan, McGillvray, Regier K.
Total 6

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 218 - Senator Friedel moved **HB 218** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 243 - Senator Friedel moved **HB 243** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 305 - Senator Ellsworth moved **HB 305** be concurred in. Motion carried as follows:

Yeas: Bennett, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Glimm, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Welborn, Mr. President.
Total 37

Nays: Ankney, Boland, Esp, Gillespie, Gross, Hinebauch, Lynch, Manzella, Morigeau, Pomnichowski, Sweeney, Vance, Webber.
Total 13

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 383 - Senator Vance moved **HB 383** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: McNally, Molnar, Pomnichowski.
Total 3

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 594 - Senator Gillespie moved **HB 594** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 47

Nays: Ellis, Lynch, O'Brien.
Total 3

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 157 - Senator Vance moved **HB 157** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Cuffe, Howard, McGillvray, Smith C.
Total 4

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 217 - Senator Small moved **HB 217** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hinebauch, Howard, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 32

Nays: Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Glimm, Hertz, Hoven, Kary, Keenan, Lang, Manzella, McGillvray, Regier K, Salomon, Smith C, Vance, Mr. President.
Total 18

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 349 - Senator Friedel moved **HB 349** be concurred in.

HB 349 - Senator Friedel moved **HB 349**, second reading copy, be amended as follows:

1. Title, line 7.
Following: "ORGANIZATIONS;"
Insert: "REQUIRING PUBLIC POSTSECONDARY INSTITUTIONS TO ADOPT ANTI-HARASSMENT POLICIES;"

2. Page 2, line 8.
Strike: "Freedom"
Insert: "Anti-harassment and freedom"

3. Page 2, line 8.
Following: "**students.**"
Insert: "(1) A public postsecondary institution shall adopt a policy prohibiting student-on-student discriminatory harassment."

4. Page 2, line 9.
Strike: "expel"
Insert: "enforce the policy by disciplining"

5. Page 2, line 9.
Following: "stemming from"
Insert: "an alleged violation of the policy for"

6. Page 2, line 10.
Following: "unless"
Insert: ":
(a)"

7. Page 2, line 10.
Following: "unwelcome and"
Insert: "is"

8. Page 2, line 12.
Following: "institution"

Insert: "; or
(b) the speech or expression explicitly or implicitly conditions a student's participation in an education program or activity or bases an educational decision on the student's submission to unwelcome sexual advances or requests for sexual favors.
(2) This section may not be construed to prevent a public postsecondary institution from prohibiting, limiting, or restricting speech or expression that is not protected by the first amendment of the United States constitution or Article II, section 7, of the Montana constitution"

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 349 - As amended, **HB 349** was concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 437 - Senator Sweeney moved **HB 437** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 566 - Senator Gillespie moved **HB 566** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 13 - Senator Gauthier moved **HB 13** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 35

Nays: Bogner, Brown, Ellsworth, Esp, Friedel, Glimm, Hinebauch, Howard, Keenan, Manzella, McGillvray, Molnar, Regier K, Smith C, Vance.
Total 15

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

SB 39 - **House Amendments** - Senator K. Regier moved House amendments to **SB 39** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Boland, Ellis, Flowers, Gillespie, Gross, Jacobson, Morigeau, Sweeney.
Total 8

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Flowers moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 48

Nays: Gross.
Total 1

Voted absentee: None.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 101, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 16

Voted absentee: None.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

SJ 14 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 34 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Mr. President.
Total 44

Nays: Gillespie, Howard, Keenan, McGillvray, Tempel.
Total 5

Voted absentee: None.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 37 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.

Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 39 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 43 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 81 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 88 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 208 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Mr. President.
Total 46

Nays: McClafferty, Pomnichowski, Webber.
Total 3

Voted absentee: None.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 275 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 295 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 47

Nays: Cuffe, Kary.
Total 2

Voted absentee: None.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 396 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 548 concurred in as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Regier K, Sales, Sands, Small, Sweeney, Vance, Webber, Mr. President.
Total 39

Nays: Ankney, Cuffe, Esp, Howard, Keenan, McGillvray, O'Brien, Salomon, Smith C, Tempel.
Total 10

Voted absentee: None.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved the President be authorized to appoint a conference committee on **SB 39** and request the House to appoint a like committee. President Blasdel appointed Senator Regier, chair, and Senators Hinebauch and Sands.

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the coming week:

Alyssa Boshart from Big Timber, Montana, sponsored by Senator Esp
Rainy Carroccia from Big Timber, Montana, sponsored by Senator Esp
Claire Downing from Helena, Montana, sponsored by Senator Gauthier

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, March 23, 2021, the fifty-seventh legislative day. Motion carried.

Senate adjourned at 2:26 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FIFTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 23, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Keith Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Gross excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/23/2021

Correctly printed: **SB 388**, **SR 38**, **SR 95**, **HB 13**, **HB 121**, **HB 157**, **HB 201**, **HB 211**, **HB 217**, **HB 218**, **HB 243**, **HB 259**, **HB 289**, **HB 305**, **HB 383**, **HB 435**, **HB 437**, **HB 440**, **HB 566**, **HB 574**, **HB 594**, **HJ 17**.
Correctly engrossed: **HB 146**, **HB 221**, **HB 349**, **HB 444**, **HB 541**.
Correctly enrolled: **SB 82**, **SB 93**, **SB 115**, **SB 129**, **SB 133**, **SB 193**, **SB 205**.
Examined by the sponsor and found to be correct: **SB 82**, **SB 129**, **SB 133**.
Transmitted to the House: **SJ 14**, **HB 34**, **HB 37**, **HB 39**, **HB 43**, **HB 81**, **HB 88**, **HB 208**, **HB 275**, **HB 295**, **HB 396**, **HB 548**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/22/2021
HB 614, be amended as follows:

1. Page 1, line 26.
Following: "with"
Insert: "one or more"
Following: "private"
Strike: ","
Following: "nonprofit"
Insert: "or for-profit"

2. Page 5.
Following: line 12
Insert: "NEW SECTION. **Section 4. Direction to department of labor and industry.** The legislature directs the department of labor and industry to use funds appropriated for the workforce development program provided for in Title 39, chapter 12, to contract with private entities as provided in 39-12-103."
Renumber: subsequent sections

And, as amended, be concurred in.

HB 249, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/22/2021
SR 84, be adopted.
HB 67, be concurred in.
HB 179, be amended as follows:

1. Title, line 9.
Following: "LEVY"
Insert: "FOR A NEW COMMUNITY COLLEGE DISTRICT"

2. Title, line 10.
Following: line 9
Insert: "2-9-212,"
Following: "20-9-134,"
Strike: "20-9-501,"

3. Title, line 11.
Following: "20-15-209,"
Insert: "20-15-305,"

4. Title, line 12.
Following: "~~20-15-314,~~"
Insert: "AND"
Following: "20-15-321,"
Strike: "20-15-403, AND 20-15-404, MCA; REPEALING SECTION 20-15-305,"

5. Page 2, line 13.
Following: "**levy**"
Insert: "**for community college districts created on or after January 1, 2021"**
Strike: "-- inflationary adjustment"

6. Page 2, line 13.
Following: "(1)"
Insert: "This section applies only to community college districts created on or after January 1, 2021. The legislature intends that a newly created community college district have a single unified operating district levy to support the district's current fund.
(2)"

7. Page 2, line 14.
Following: line 13
Insert: "a"

8. Page 2, line 16.

Strike: "(2)"
Insert: "(3)"

9. Page 3, line 3.
Strike: "(3)"
INSERT: "(4)"

10. PAGE 3.
FOLLOWING: LINE 5
INSERT: "**Section 3.** Section 2-9-212, MCA, is amended to read:

"**2-9-212. Political subdivision tax levy to pay contributions.** (1) Subject to 15-10-420 and subsection (2) of this section, a political subdivision, except for a school district, may levy an annual property tax in the amount necessary to fund the contribution for insurance, deductible reserve fund, and self-insurance reserve fund as authorized in this section and to pay the principal and interest on bonds or notes issued pursuant to 2-9-211(5). For the purposes of this section, "political subdivision" includes a community college district created prior to January 1, 2021.

(2) (a) If a political subdivision makes contributions for group benefits under 2-18-703, the amount in excess of the base contribution as determined under 2-18-703(4)(c) for group benefits under 2-18-703 is not subject to the mill levy calculation limitation provided for in 15-10-420. Levies implemented under this section must be calculated separately from the mill levies calculated under 15-10-420 and are not subject to the inflation factor described in 15-10-420(1)(a).

(i) Contributions for group benefits paid wholly or in part from user charges generated by proprietary funds, as defined by generally accepted accounting principles, are not included in the amount exempted from the mill levy calculation limitation provided for in 15-10-420.

(ii) If tax-billing software is capable, the county treasurer shall list separately the cumulative mill levy or dollar amount on the tax notice sent to each taxpayer under 15-16-101(2). The amount must also be reported to the department of administration pursuant to 7-6-4003. The mill levy must be described as the permissive medical levy.

(b) Each year prior to implementing a levy under subsection (2)(a), after notice of the hearing given under 7-1-2121 or 7-1-4127, a public hearing must be held regarding any proposed increases.

(c) A levy under this section in the previous year may not be included in the amount of property taxes that a governmental entity is authorized to levy for the purposes of determining the amount that the governmental entity may assess under the provisions of 15-10-420(1)(a). When a levy under this section decreases or is no longer levied, the revenue may not be combined with the revenue determined in 15-10-420(1)(a).

(3) (a) For the purposes of this section, "group benefits" means group hospitalization, health, medical, surgical, life, and other similar and related group benefits provided to officers and employees of political subdivisions, including flexible spending account benefits and payments in lieu of group benefits.

(b) The term does not include casualty insurance as defined in 33-1-206, marine insurance as authorized in 33-1-209 and 33-1-221 through 33-1-229, property insurance as defined in 33-1-210, surety insurance as defined in 33-1-211, and title insurance as defined in 33-1-212." "
Renumber: subsequent sections

11. Page 7, line 28.
Following: "district"
Insert: "or a community college district created prior to January 1, 2021"

12. Page 8, line 2.
Following: "district"
Insert: "created on or after January 1, 2021"

13. Page 8, line 18.
Following: "district"
Insert: "or a community college district created prior to January 1, 2021,"

14. Page 8, line 26.
Following: "district"
Insert: "or a community college district created prior to January 1, 2021,"

15. Page 9, line 6.
Following: "district"
Insert: "or a community college district created prior to January 1, 2021"

16. Page 10, line 5 through page 13, line 3.
Strike: section 9 in its entirety
Renumber: subsequent sections

17. Page 18.
Following: line 22
Insert: "**Section 18.** Section 20-15-305, MCA, is amended to read:
"**20-15-305. Adult education tax levy.** A community college district created prior to January 1, 2021, is considered a district for the purposes of adult education and under the provisions for adult education may, subject to 15-10-420, levy a tax for the support of its adult education program when the superintendent of public instruction approves the program.""
Renumber: subsequent sections

18. Page 19, line 10.
Following: "DISTRICT"
Insert: "created on or after January 1, 2021,"

19. Page 20, line 15.
Strike: "and"
Insert: ","

20. Page 20, line 15.
Following: "appropriations"
Insert: ", and, for a community college created prior to January 1, 2021, expenditures funded by local mill levies provided for in 2-9-212 and 20-9-501 in excess of the 2012 mill levy levels"

21. Page 20, line 28.
Following: "**sources.**"
Insert: "(1)"

22. Page 21, line 1.
Following: "~~must~~"
Insert: "created on or after January 1, 2021,"

23. Page 21, line 2.
Strike: "(1)"
Insert: "(a)"
Renumber: subsequent subsections

24. Page 21.
Following: line 16
Insert: "(2) The annual current fund budget of a community college district created prior to January 1, 2021, may be financed from the following sources:
(a) the estimated revenue to be realized from student tuition and fees, except revenue related to community service courses, as defined by the board of regents;
(b) the state general fund appropriation pursuant to 20-15-310;
(c) subject to 15-10-420, a mandatory mill levy on the community college district;
(d) pursuant to 20-9-501, a retirement levy;
(e) pursuant to 2-9-212, a levy for employer contributions to group benefits plans;
(f) subject to 15-10-420, the adult education levy authorized under 20-15-305;
(g) an optional voted levy on the community college district that must be submitted to the electorate in accordance with general school election laws and 15-10-425;
(h) all other income, revenue, balances, or reserves not restricted by a source outside the community college district to a specific purpose;
(i) income, revenue, balances, or reserves restricted by a source outside the community college district to a specific purpose. Student fees paid for community service courses, as defined by the board of regents, are considered restricted to a specific purpose.
(j) income from a political subdivision that is designated a community college service region under 20-15-241."

25. Page 22, line 12.
Following: "subfunds;"
Strike: "and"

26. Page 22, line 14.
Following: "limitations"
Insert: "; and
(c) the percentage of the proposed current fund budget funded by local property taxes"

27. Page 22, line 26.

Strike: "the operating levy pursuant to [section 2]"
Insert: ", subject to statutory conditions and limitations, any district levy authorized by law"

28. Page 23, line 22 through page 24, line 28.
Strike: sections 24 through 26 in their entirety
Renumber: subsequent sections

29. Page 25, line 2 through line 11.
Strike: "(1)" on line 2 through "(2)" on line 11
Renumber: subsequent subsections

30. Page 25.
Following: line 17
Insert: "COORDINATION SECTION. **Section 27. Coordination instruction**. (1) If both House Bill No. 67 and [this act] are passed and approved and House Bill No. 67 includes a section that amends 20-15-310, then [section 20 of this act], amending 20-15-310, is void.

(2) If both House Bill No. 67 and [this act] are passed and approved and House Bill No. 67 includes a section that amends 20-15-312, then the section of House Bill No. 67 amending 20-15-312 is void.

(3) If both House Bill No. 67 and [this act] are passed and approved and House Bill No. 67 includes a section that amends 20-15-310, then [section 1 of this act] is void and must be replaced with:

"NEW SECTION. **Section 1. Funding for a new community college district.** (1) The board of trustees of a newly created community college district shall, by August 1 immediately preceding the regular legislative session at which the district will first seek a state appropriation, submit to the board of regents enrollment projections for each year of the ensuing biennium and an annual budget pursuant to 20-15-312 for the first year of the ensuing biennium.

(2) The state general fund appropriation for the district must be determined as follows:

(a) for the first year of the ensuing biennium:

(i) divide the total adjusted base of all community colleges by the total FTE of all community colleges in the base year;

(ii) multiply the result of subsection (2)(a)(i) by the inflationary factor for the second year of the current biennium and then multiply by the inflationary factor for the first year of the ensuing biennium; and

(iii) multiply the result of subsection (2)(a)(ii) by the projected weighted resident FTE of the new community college for the first year of the ensuing biennium.

(b) for the second year of the ensuing biennium:

(i) multiply the number calculated in subsection (2)(a)(ii) by the inflationary factor for the second year of the ensuing biennium; and

(ii) multiply the result of subsection (2)(b)(i) by the projected weighted resident FTE of the new community college for the second year of the ensuing biennium.

(3) (a) After each fiscal year of the first biennium the new community college district receives a state appropriation, the commissioner of higher education shall determine the fiscal impacts that would have resulted had the actual FTE for that fiscal year been used to determine that fiscal year's state appropriation and determine any overpayment or underpayment to the

community college for that fiscal year.

(b) At the end of each odd fiscal year, the commissioner shall calculate the net underpayment or overpayment resulting from the underpayment or overpayment of the prior fiscal year and current fiscal year determined under subsection (2) and:

(i) the commissioner shall distribute any net underpayment determined under this subsection (3) to a community college from the community college FTE adjustment account by October 15 of the current calendar year; or

(ii) a community college receiving a net overpayment determined under this subsection (3) shall pay a fee equal to the overpayment to the commissioner by October 15 of the current calendar year for deposit in the community college FTE adjustment account.

(4) After the first biennium a new community college district receives a state appropriation, the state appropriation for the district in subsequent biennia must be determined as described in 20-15-310.""

Renumber: subsequent section

And, as amended, be concurred in.

HB 233, be concurred in.
HB 246, be concurred in.
HB 543, be concurred in.
HB 611, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 3/23/2021
SB 176, do pass.
SB 263, do pass.

JUDICIARY (Regier, Chair): 3/23/2021
HB 115, be amended as follows:

1. Page 3.
Following: line 28
Insert: "COORDINATION SECTION. **Section 2. Coordination instruction**. If both Senate Bill No. 365 and [this act] are passed and approved, then [section 4 of Senate Bill No. 365] must be amended as follows:

"NEW SECTION. **Section 4. Penalty for driving under influence -- fourth and subsequent offenses.** (1) (a) A person convicted of a violation of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), or (1)(d)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state, who has also been convicted under either 45-5-106 or any combination of three or more convictions under 45-5-104, 45-5-205, 45-5-628(1)(e), driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), or (1)(d)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state, and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, any drug, or any combination of alcohol and any drug, as provided in [section

2(1)(a)], is guilty of a felony and shall be punished by:

(i) being sentenced to the department of corrections for a term of not less than 13 months or more than 2 years for placement in either an appropriate correctional facility or a program, followed by a consecutive term of 5 years to the Montana state prison or the Montana women's prison, all of which must be suspended, and a fine of not less than $5,000 or more than $10,000; or

(ii) being sentenced to a term of up to 5 years in an appropriate treatment court program, with required completion, and a fine of not less than $5,000 or more than $10,000. If sentenced under this alternative, the person may be entitled to a suspended sentence but is not eligible for a deferred imposition of sentence.

(b) Regarding the sentence provided for in subsection (1)(a)(i):

(i) the imposition or execution of the sentence may not be deferred or suspended, and the person is not eligible for parole;

(ii) the program in subsection (1)(a)(i) may be a residential alcohol treatment program approved by the department of corrections;

(iii) following initial placement of a defendant in a residential alcohol treatment program facility, the department of corrections may, at its discretion, place the offender in another facility or program;

(iv) the court shall order that if the person successfully completes a residential alcohol treatment program approved by the department of corrections, the remainder of the 13-month to 2-year term must be served on probation with the conditions that:

(A) the person abide by the standard conditions of probation promulgated by the department of corrections;

(B) a person who is financially able to pay the costs of imprisonment, probation, and alcohol treatment under this section does so;

(C) the person may not frequent an establishment where alcoholic beverages are served;

(D) the person may not consume alcoholic beverages;

(E) the person may not operate a motor vehicle unless authorized by the person's probation officer;

(F) the person enter in and remain in an aftercare treatment program for the entirety of the probationary period;

(G) the person submit to random or routine drug and alcohol testing; and

(H) if the person is permitted to operate a motor vehicle, the vehicle be equipped with an ignition interlock system; and

(v) the sentencing judge may impose on the defendant any other reasonable restrictions or conditions during the period of probation. Reasonable restrictions or conditions may include but are not limited to:

(A) payment of a fine as provided in 46-18-231;

(B) payment of costs as provided in 46-18-232 and 46-18-233;

(C) payment of costs of assigned counsel as provided in 46-8-113;

(D) community service;

(E) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of society; or

(F) any combination of the restrictions or conditions listed in subsections (1)(b)(v)(A) through (1)(b)(v)(E).

(2) A person convicted of a violation of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), or (1)(d)], an offense that meets the definition of aggravated driving under the

influence in [section 1], or a similar offense under previous laws of this state or the laws of another state~~, who was previously placed in a residential alcohol treatment program under subsection (1)(a)(i), whether or not the person successfully completed the program,~~ and who has also been convicted under either 45-5-106 or any combination of four or more prior convictions under 45-5-104, 45-5-205, 45-5-628(1)(e), driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), or (1)(d)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state, and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in [section 2(1)(a)], and the person was previously sentenced under subsection (1)(a)(i) or (1)(a)(ii), the person shall be punished by ~~being sentenced to the department of corrections for a term of not less than 13 months or more than 5 years or being fined an amount~~ a fine of not less than $5,000 or more than $10,000~~, or both~~ and by imprisonment in the state prison for a term of not more than 10 years. The person is not eligible for a deferred imposition of sentence.

(3) If a person has previously been convicted and sentenced under subsection (2), the person shall be punished by a fine of not less than $5,000 or more than $10,000 and by imprisonment in the state prison for a term of not more than 25 years. The person is not eligible for a deferred imposition of sentence.

(4) If a person who is presently being sentenced has previously been convicted and sentenced under subsection (3) on one or more occasions, the person shall be punished by a fine of not less than $5,000 or more than $10,000 and by imprisonment in the state prison for a term of not less than 5 years or more than 25 years. The first 5 years of the sentence may not be suspended.

~~(3)~~(5) The provisions of 46-18-203, 46-23-1001 through 46-23-1005, 46-23-1011 through 46-23-1014, and 46-23-1031 apply to a person sentenced under this section.

~~(4)~~(6) A person punished pursuant to this section is subject to mandatory revocation or suspension of the person's driver's license as provided in chapter 5.""

Renumber: subsequent section

And, as amended, be concurred in.

HB 331, be amended as follows:

1. Title, line 12.
Following: "TIMES"
Insert: "WITH AN EXCEPTION FOR SECURITY ISSUES"

2. Page 6, line 3.
Strike: "have immediate, unlimited access at all times to"
Insert: "be admitted into"

3. Page 6, line 4.
Following: "programs"
Insert: "at any time subject to any immediate safety or security needs of the correctional facility or

program"

4. Page 6.
Following: line 13
Insert: "(d) If a legislator is denied entrance under subsection (5)(a), the facility or program must enumerate why access was denied and provide a reasonable estimate of when access will be granted."

And, as amended, be concurred in.

HB 333, be amended as follows:

1. Page 1, line 19.
Strike: "and"
Insert: "or"

And, as amended, be concurred in.

HB 393, be concurred in.
HB 478, be amended as follows:

1. Page 4.
Following: line 5
Insert: "COORDINATION SECTION. **Section 2. Coordination instruction**. If both Senate Bill No. 365 and [this act] are passed and approved, then [section 16(3)(b) of Senate Bill 365] must be amended as follows:
"(b) There is a blood-draw search warrant processing account in the state special revenue fund established pursuant to 17-2-102(1)(b). Money provided to the department of justice pursuant to this subsection (3) must be deposited in the account and may be used only for providing forensic analysis of a driver's blood or breath to determine the presence of alcohol or drugs.""

And, as amended, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/22/2021
HB 155, be concurred in.
HB 231, be amended as follows:

1. Page 9, line 27 through page 10, line 4.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

And, as amended, be concurred in.

HB 291, be concurred in.

HB 416, be amended as follows:

1. Page 1, line 15 through line 16.
Strike: "a" on line 15 through "for" on line 16
Insert: "all"

2. Page 1, line 16.
Following: "staff"
Insert: "to complete annual child welfare supervisory training"

3. Page 1.
Following: line 16
Insert: "(3) The annual child welfare supervisory training may be made available to qualifying child protection specialists who demonstrate an interest and aptitude in becoming a supervisor in the child protection system."

4. Page 1, line 18 through line 19.
Strike: ", the" on line 18 through "shall" on line 19

5. Page 1, line 20.
Strike: "allow"
Insert: "all"

6. Page 1, line 20 through line 21.
Strike: "4" on line 20 through the second "degree" on line 21
Insert: "shall complete an initial annual child welfare supervisory training within 1 year of [the effective date of this act]"

7. Page 1, line 22.
Strike: "allow"
Insert: "all"

8. Page 1, line 22.
Following: "hired"
Insert: "after [the effective date of this act]"

9. Page 1, line 22 through line 23.
Strike: "2" on line 22 through the second "degree" on line 23
Insert: "shall complete an initial annual child welfare supervisory training within 1 year of the date of hiring"

10. Page 1, line 24.
Following: line 23
Insert: "(3) The department shall update the children, families, health, and human services interim committee during the 2021-2022 interim on its progress in complying with the provisions of [this act]."

And, as amended, be concurred in.

STATE ADMINISTRATION (Kary, Chair): 3/22/2021
HB 31, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/22/2021

SB 60, introduced by P. Flowers
SB 120, introduced by J. Esp
SB 131, introduced by D. Salomon
SB 145, introduced by S. Fitzpatrick
SB 161, introduced by J. Esp
SB 221, introduced by T. Gauthier
SB 305, introduced by M. Lang
SB 339, introduced by J. Pomnichowski

House bill passed and transmitted to the Senate for concurrence: 3/22/2021

HB 630, introduced by D. Bedey

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 389, introduced by B. Hoven, referred to State Administration.
SB 390, introduced by B. Molnar, referred to Taxation.
SB 391, introduced by T. Manzella, referred to Energy and Telecommunications.
SB 392, introduced by G. Vance, D. Ankney, S. Berglee, M. Binkley, M. Blasdel, B. Brown, J. Ellsworth, S. Fitzpatrick, W. Galt, F. Garner, D. Harvey, D. Hawk, G. Hertz, S. Hinebauch, M. Hopkins, D. Howard, T. Jacobson, L. Jones, D. Kary, J. Keane, C. Knudsen, R. Knudsen, D. Loge, R. Lynch, T. Manzella, E. McClafferty, T. McGillvray, M. Noland, S. Novak, R. Osmundson, J. Patelis, K. Regier, V. Ricci, D. Salomon, D. Skees, J. Small, C. Smith, M. Sweeney, S. Vinton, J. Welborn, referred to Highways and Transportation.

The following House bill was introduced, read first time, and referred to committee:

HB 630, introduced by D. Bedey, L. Jones, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator K. Regier in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 153 - Senator Welborn moved **SB 153** do pass.

SB 153 - Senator Brown moved **SB 153**, second reading copy, be amended as follows:

1. Page 32, line 21.
Following: "~~Except~~"
Insert: "(1)"

2. Page 32, line 22 through line 25.
Strike: subsections (1) and (2) in their entirety
Insert: "(a) use lands owned or controlled by the department, except for state parks; or
(b) to purchase or apply for a hunting, fishing, or trapping license, except as provided in 87-2-803(6) and 87-2-815.
(2) Subsection (1)(a) applies only to a person 17 years of age or older.
(3) A fine of $25 may be charged to a violator of subsection (1)(a)."

3. Page 34, line 6.
Strike: "[Section ~~25~~ 4] is"
Insert: "[Sections 3(3) and 4] are"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: Hinebauch.
Total 1

SB 153 - As amended, **SB 153** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Tempel.
Total 1

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SR 87 - Senator Lang moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 87**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SR 89 - Senator Lang moved that the nomination transmitted by the Governor be concurred in

and confirmed by the Senate in accordance with **SR 89**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 139 - Senator Gillespie moved **HB 139** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: McClafferty, Pomnichowski, Regier K.
Total 3

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 226 - Senator Ellsworth moved **HB 226** be concurred in. Senator Hertz expressed a conflict of interest as an owner of retail beer and wine licenses. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary,

Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 39

Nays: Cuffe, Esp, Glimm, Hinebauch, Howard, Keenan, Lang, McGillvray, Molnar, Smith C, Tempel.
Total 11

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 446 - Senator Gillespie moved **HB 446** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 21

Voted absentee: Gross, No.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 195 - Senator Gauthier moved **HB 195** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 379 - Senator Fitzpatrick moved **HB 379** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Gross, No.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 336 - Senator Friedel moved **SB 336** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 306 - Senator Boland moved **HB 306** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Brown, Esp, Glimm, Howard, Lang.
Total 5

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 176 - Senator Cuffe moved **HB 176** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Gross, No.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No by Senator Sands under Motions.

HB 242 - Senator Hertz moved **HB 242** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 18

Voted absentee: Gross, No.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 310 - Senator Sands moved **HB 310** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 293 - Senator Sands moved **HB 293** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

Without objection, Chair Regier moved **HB 223** to the bottom of the agenda.

SB 326 - Senator Lang moved **SB 326** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: Glimm.
Total 1

HB 438 - Senator McGillvray moved **HB 438** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon,

Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: Manzella.
Total 1

HJ 10 - Senator Vance moved **HJ 10** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

President Blasdel assumed the chair.

HB 223 - Senator K. Regier moved **HB 223** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands,

Sweeney, Webber.
Total 21

Voted absentee: Gross, No.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair K. Regier moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, McClafferty, McNally, Molnar, Morigeau, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 13 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Hertz, Hoven, Jacobson, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small,

Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 36

Nays: Bogner, Esp, Friedel, Glimm, Hinebauch, Howard, Kary, Keenan, Manzella, McGillvray, Regier K, Smith C, Vance.
Total 13

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 157 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Cuffe, Esp, Howard, Keenan, McGillvray, Smith C, Tempel.
Total 7

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 217 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Friedel, Gauthier, Gillespie, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Small, Sweeney, Webber.
Total 26

Nays: Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 23

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 218 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 243 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.
Total 0

HB 305 concurred in as follows:

Yeas: Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Lang, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Mr. President.
Total 36

Nays: Ankney, Bennett, Esp, Hoven, Keenan, Lynch, Manzella, Morigeau, Pomnichowski, Pope, Sweeney, Webber, Welborn.
Total 13

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 383 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: McNally, Molnar, Pomnichowski.
Total 3

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 437 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 566 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 594 concurred in as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Osmundson, Pope, Regier

K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Bennett, Boldman, Ellis, Lynch, Morigeau, O'Brien, Pomnichowski.
Total 7

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HJ 17 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Brown, Esp, Howard, Keenan, McGillvray, Molnar, Regier K.
Total 7

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 336**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Sands moved to change her vote on **HB 176** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, March 24, 2021, the fifty-eighth legislative day. Motion carried.

Senate adjourned at 3:08 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FIFTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 24, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/24/2021

Correctly printed: **SB 176**, **SB 263**, **SB 326**, **SB 336**, **SB 389**, **SB 390**, **SB 391**, **SB 392**, **SR 84**, **SR 87**, **SR 89**, **HB 31**, **HB 67**, **HB 139**, **HB 155**, **HB 176**, **HB 195**, **HB 223**, **HB 226**, **HB 249**, **HB 233**, **HB 242**, **HB 246**, **HB 291**, **HB 293**, **HB 306**, **HB 310**, **HB 379**, **HB 393**, **HB 438**, **HB 543**, **HB 611**, **HJ 10**.
Correctly engrossed: **SB 153**, **HB 179**, **HB 231**, **HB 331**, **HB 333**, **HB 416**, **HB 478**, **HB 614**.
Correctly enrolled: **SB 13**, **SB 38**, **SB 53**, **SB 75**, **SB 109**, **SB 126**, **SB 127**, **SB 128**, **SB 152**, **SB 154**, **SB 170**, **SB 200**, **SB 227**, **SB 262**, **SB 276**, **SR 57**, **SR 83**.
Examined by the sponsor and found to be correct: **SB 13**, **SB 38**, **SB 53**, **SB 75**, **SB 93**, **SB 109**, **SB 115**, **SB 126**, **SB 128**, **SB 152**, **SB 154**, **SB 170**, **SB 200**, **SB 205**, **SB 227**, **SB 262**, **SB 276**, **SR 57**, **SR 83**.
Transmitted to the House: **HB 13**, **HB 157**, **HB 217**, **HB 218**, **HB 243**, **HB 305**, **HB 383**, **HB 437**, **HB 566**, **HB 594**, **HJ 17**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Lang, Chair): 3/23/2021
HB 336, be amended as follows:

1. Title, line 15.
Following: "DEFINITIONS;"
Strike: "AND"

2. Title, line 16.
Following: "DATE"
Insert: "; AND PROVIDING A TERMINATION DATE AND A CONTINGENT TERMINATION DATE"

3. Page 2.
Following: line 17
Insert: "(2) "Interstate cooperative program" means the participating, compacting states that promise to adhere to this compact."
Renumber: subsequent subsections

4. Page 2, line 28.
Strike: "(6)(a)(i)"
Insert: "(7)(a)(i)"
Strike: "(6)(a)(ii)"
Insert: "(7)(a)(ii)"

5. Page 4, line 1.
Strike: "(6)(c)(xiii)"
Insert: "(7)(c)(xiii)"

6. Page 5, line 1 through line 2.
Strike: subsection (9) in its entirety

7. Page 5, line 4.
Strike: "western"
Insert: "interstate"

8. Page 5, line 5.
Strike: "western"
Insert: "interstate"

9. Page 7, line 11.
Strike: "DIRECTOR OF THE DEPARTMENT OF LIVESTOCK"
Insert: "executive officer of the board of livestock"

10. Page 7, line 16.
Strike: "DIRECTOR OF THE DEPARTMENT OF LIVESTOCK"
Insert: "executive officer of the board of livestock"

11. Page 7.
Following: line 18
Insert: "NEW SECTION. **Section 4. Termination -- contingency**. [This act] terminates on the earlier of:
(1) July 1, 2025; or
(2) the date that the executive officer of the board of livestock certifies to the code commissioner that the United States secretary of agriculture has designated the state as failing to meet provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act in accordance with 21 U.S.C. 661(c) and 21 U.S.C. 454(c). The executive officer shall submit certification within 30 days of the occurrence of the contingency."

And, as amended, be concurred in.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/24/2021
SR 90, be adopted.

HB 407, be concurred in.
HB 558, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 3/23/2021
HB 50, be concurred in.
HB 494, be concurred in.
HJ 14, be amended as follows:

1. Page 2, line 27.
Following: "Senate,"
Strike: "and"

2. Page 2, line 28.
Following: "Delegation"
Insert: ", and to the county commissions of Montana"

And, as amended, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 3/24/2021
HB 55, be concurred in.
HB 129, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/23/2021

SB 57, introduced by J. Pomnichowski

SB 39 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 39:**

3/23/2021

Representative Usher, Vice Chair
Representative Kelker
Representative A. Regier

House bill passed and transmitted to the Senate for concurrence: 3/23/2021

HB 620, introduced by A. Regier

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 393, introduced by B. Keenan, R. Fitzgerald, referred to Judiciary.
SB 394, introduced by S. O'Brien, referred to Taxation.
SB 395, introduced by G. Hertz, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 620, introduced by A. Regier, D. Howard, K. Regier, C. Glimm, S. Hinebauch, M. Regier, L. Sheldon-Galloway, D. Bartel, T. Moore, K. Seekins-Crowe, J. Gillette, referred to Finance and Claims.

The following House bill, previously introduced, was referred to committee:

HB 329, introduced by S. Vinton, M. Cuffe, D. Skees, D. Salomon, D. Kary, T. McGillvray, D. Howard, C. Smith, J. Welborn, B. Hoven, M. Blasdel, B. Molnar, C. Glimm, D. Lenz, W. Galt, S. Berglee, B. Brown, K. Holmlund, W. McKamey, V. Ricci, B. Tschida, S. Gunderson, D. Loge, F. Anderson, L. Sheldon-Galloway, J. Trebas, C. Knudsen, W. Sales, T. Welch, B. Beard, N. Duram, R. Knudsen, K. Bogner, J. Kassmier, B. Mercer, T. Moore, D. Bedey, S. Greef, B. Ler, B. Phalen, F. Nave, J. Carlson, L. Brewster, K. Zolnikov, B. Mitchell, A. Regier, L. Reksten, P. Fielder, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Stromswold, C. Hinkle, G. Frazer, M. Binkley, R. Marshall, K. Whitman, referred to the Education and Cultural Resources Committee.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 258 - Majority Leader Smith moved consideration of **HB 258** be passed for the day. Without objection, so ordered.

HB 444 - Majority Leader Smith moved consideration of **HB 444** be passed for the day. Without objection, so ordered.

SB 269 - Majority Leader Smith moved consideration of **SB 269** be passed for the day. Without objection, so ordered.

HB 121 - Senator Gauthier moved **HB 121** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 91 - Senator Sands moved **HB 91** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Esp, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Mr. President.
Total 42

Nays: Cuffe, Ellsworth, Fitzpatrick, Glimm, Kary, Keenan, Tempel, Welborn.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 401 - President Blasdel moved **HB 401** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 402 - President Blasdel moved **HB 402** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 454 - Senator K. Regier moved **HB 454** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 289 - Senator Fitzpatrick moved **HB 289** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 440 - Senator Sweeney moved **HB 440** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lang, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Mr. President.
Total 35

Nays: Cuffe, Fitzpatrick, Glimm, Hinebauch, Howard, Keenan, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Welborn.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 89 - Senator Salomon moved **HB 89** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Hinebauch, Keenan.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 541 - President Blasdel moved **HB 541** be concurred in. President Blasdel expressed a conflict of interest. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Keenan, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 211 - Senator Esp moved **HB 211** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 173 - Senator Lang moved **HB 173** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 152 - Senator Jacobson moved **HB 152** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 47

Nays: Howard, Lynch, Manzella.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 44

Nays: Bennett, Boland, Cohenour, Gross, Pomnichowski, Webber.
Total 6

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 326 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch,

Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 139 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 43

Nays: Gross, Keenan, Lynch, McClafferty, O'Brien, Pomnichowski, Regier K.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 176 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney,

Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 195 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 223 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 226 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 40

Nays: Cuffe, Esp, Glimm, Howard, Keenan, Lang, McGillvray, Molnar, Smith C, Tempel.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 242 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 293 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 306 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber.
Total 40

Nays: Brown, Cuffe, Glimm, Hinebauch, Howard, Keenan, Lang, Manzella, Welborn, Mr. President.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 310 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 349 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 379 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 438 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 446 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 22

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HJ 10 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 3/24/2021

HB 2, introduced by L. Jones

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 2, introduced by L. Jones (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, March 25, 2021,

the fifty-ninth legislative day. Motion carried.

Senate adjourned at 2:19 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
FIFTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 25, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Molnar excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/25/2021

Correctly printed: **SB 393**, **SB 394**, **SB 395**, **SR 90**, **HB 50**, **HB 55**, **HB 89**, **HB 91**, **HB 121**, **HB 129**, **HB 152**, **HB 173**, **HB 211**, **HB 289**, **HB 401**, **HB 402**, **HB 407**, **HB 440**, **HB 454**, **HB 494**, **HB 541**, **HB 558**.
Correctly engrossed: **HB 63**, **HB 66**, **HB 115**, **HB 336**, **HJ 14**.
Correctly enrolled: **SB 52**, **SB 58**, **SB 113**, **SB 305**.
Transmitted to the House: **SB 326**, **HB 139**, **HB 176**, **HB 195**, **HB 223**, **HB 226**, **HB 242**, **HB 293**, **HB 306**, **HB 310**, **HB 349**, **HB 379**, **HB 438**, **HB 446**, **HJ 10**.
Signed by the Secretary of the Senate at 8:45 a.m., March 24, 2021: **SB 82**.
Signed by the Secretary of the Senate at 9:45 a.m., March 24, 2021: **SB 129**, **SB 133**.
Signed by the President at 12:30 p.m., March 24, 2021: **SB 82**, **SB 129**, **SB 133**.
Signed by the Speaker at 9:10 a.m., March 25, 2021: **SB 82**, **SB 129**, **SB 133**.
Delivered to the Governor for signature at 9:33 a.m., March 25, 2021: **SB 82**, **SB 129**, **SB 133**.

Senator Molnar present at this time.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/23/2021
HB 63, be amended as follows:

1. Title, line 8.
Strike: "AND"
Insert: "DEFINING CERTAIN UNFAIR TRADE PRACTICES RELATING TO LIFE INSURANCE;"

2. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE"

3. Page 6.
Following: line 18

Insert: "NEW SECTION. **Section 4. Unfair or deceptive acts or practices -- life insurance.** (1) A life insurance company that declines to pay a claim made by a life insurance policy beneficiary on the basis that the insured failed to disclose a treating health care provider when the purpose of the treatment or consultation had no direct causal relationship to what ultimately formed the medical basis for the insured's death is an unfair or deceptive act or practice in the conduct of trade or commerce subject to the provisions of Title 33, chapter 18.

(2) (a) Whenever the department has reason to believe that a life insurance company is using, has used, or is about to knowingly use any method, act, or practice provided for in subsection (1) as an unfair or deceptive act or practice in the conduct of trade or commerce within the meaning of Title 33, chapter 18, and that proceeding would be in the public interest, the department may bring an action against the life insurance company to restrain by temporary or permanent injunction or temporary restraining order the unlawful method, act, or practice after giving appropriate notice to that life insurance company.

(b) In an action brought under this section, the commissioner may assess a penalty as provided in 33-1-317 and 33-1-318 if:

(i) a court finds that a life insurance company is willfully using or has willfully used a method, act, or practice declared unlawful by this section; or

(ii) a court finds a common scheme or practice by a life insurance company declared unlawful by this section.

(3) In addition to other remedies provided for by law, a beneficiary of an insured has a private right of action for a violation of this section that entitles the beneficiary to damages equal to three times the face value of the life insurance policy and attorney fees.

(4) All private legal actions under this section must be brought in the county in which the insured was domiciled at the time of the insured's death.

(5) For the purposes of this section, "life insurance company" means an insurer transacting insurance business subject to Title 33, chapter 20."

Renumber: subsequent sections

4. Page 15.

Following: line 9

Insert: "NEW SECTION. **Section 10. Codification instruction**. [Section 4] is intended to be codified as an integral part of Title 33, chapter 18, and the provisions of Title 33, chapter 18, apply to [section 4]."

Insert: "NEW SECTION. **Section 11. Effective Date**. [This act] is effective July 1, 2021."

Insert: "NEW SECTION. **Section 12. Retroactive applicability**. [This act] applies retroactively, within the meaning of 1-2-109, to life insurance policies issued or renewed or coverage determination made on or after January 1, 2019."

Insert: "NEW SECTION. **Section 13. Termination**. [Section 4] terminates December 31, 2026."

And, as amended, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/24/2021

HB 556, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 3/24/2021
HB 66, be amended as follows:

1. Page 1, line 25.
Strike: "4.5%"
Insert: "3%"

And, as amended, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 3/25/2021
HB 49, be concurred in.
HB 252, be concurred in.

JUDICIARY (Regier, Chair): 3/25/2021
HB 368, be concurred in.
HB 386, be concurred in.
HB 428, be concurred in.
HB 499, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/24/2021
HB 307, be concurred in.
HB 328, be concurred in.
HB 364, be concurred in.
HB 459, be amended as follows:

1. Page 3, line 2.
Strike: "license"
Insert: "certificate"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 23, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Blasdel:

On Wednesday, March 23, 2021, I signed the following bills:

Senate Bill 22 - Salomon
Senate Bill 62 - Brown
Senate Bill 69 - Fitzpatrick
Senate Bill 125 - Cuffe
Senate Bill 130 - Manzella

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/24/2021

SB 33, introduced by M. McNally
SB 43, introduced by D. Sands
SB 171, introduced by C. Friedel
SB 217, introduced by J. Small
SB 222, introduced by T. Gauthier

Senate joint resolution concurred in and returned to the Senate: 3/24/2021

SJ 9, introduced by G. Hertz

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:
3/24/2021

SB 230, introduced by M. Lang

House bills passed and transmitted to the Senate for concurrence: 3/24/2021

HB 4, introduced by D. Bartel
HB 10, introduced by K. Holmlund
HB 12, introduced by M. Hopkins
HB 181, introduced by K. Zolnikov
HB 464, introduced by M. Regier

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 396, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.
SB 397, introduced by G. Hertz, S. Berglee, M. Blasdel, E. Boldman, J. Carlson, J. Ellsworth, D. Fern, S. Fitzpatrick, L. Jones, B. Mercer, B. Molnar, B. Phalen, D. Salomon, C. Smith, D. Tenenbaum, B. Tschida, referred to Local Government.

The following House bills were introduced, read first time, and referred to committees:

HB 4, introduced by D. Bartel (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 10, introduced by K. Holmlund (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 12, introduced by M. Hopkins (by request of the Department of Commerce), referred to Finance and Claims.
HB 181, introduced by K. Zolnikov (by request of the Energy and Telecommunications Interim Committee), referred to Education and Cultural Resources.
HB 464, introduced by M. Regier, K. Regier, C. Glimm, M. Lang, B. Tschida, D. Bartel, J. Patelis, M. Hopkins, J. Kassmier, B. Ler, L. Brewster, A. Regier, K. Walsh, R. Marshall, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ellsworth in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 84 - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 84**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 67 - Senator Salomon moved **HB 67** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Keenan.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 179 - Senator Salomon moved **HB 179** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Keenan, McGillvray.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 233 - Senator Pope moved **HB 233** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Glimm, Keenan, McGillvray.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 246 - Senator Salomon moved **HB 246** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 543 - Senator K. Regier moved **HB 543** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 611 - Senator Tempel moved **HB 611** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 207 - Senator Friedel moved **HB 207** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 478 - Senator Esp moved **HB 478** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 393 - Senator McGillvray moved **HB 393** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 331 - Senator Sands moved **HB 331** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 115 - Senator Esp moved **HB 115** be concurred in. Motion carried as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Mr. President.
Total 31

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sweeney, Webber, Welborn.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 292 - Senator Gauthier moved **HB 292** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 45

Nays: Cuffe, Kary, Keenan, Osmundson, Vance.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 496 - Senator Esp moved **HB 496** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 131 - Senator Brown moved **HB 131** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 291 - Senator Gross moved **HB 291** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 44

Nays: Hinebauch, Kary, Manzella, Smith C, Vance.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: Molnar.
Total 1

SB 156 - **House Amendments** - Senator Bennett moved House amendments to **SB 156** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 46

Nays: Cuffe, Howard, Kary, Vance.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 259 - Senator Glimm moved **HB 259** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report.** Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Ellsworth moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel,

Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 40

Nays: Bennett, Boland, Cohenour, Flowers, Fox, Lynch, McNally, Pomnichowski, Pope, Webber.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 89 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 47

Nays: Hinebauch, Keenan, Vance.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 91 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Esp, Fitzpatrick,

Flowers, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Webber.
Total 39

Nays: Cuffe, Ellsworth, Fox, Glimm, Keenan, Osmundson, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 121 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 152 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 46

Nays: Howard, Lynch, Manzella, Vance.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 173 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 211 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 289 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 49

Nays: Welborn.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 401 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 402 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 440 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Esp, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber.
Total 30

Nays: Brown, Cuffe, Fitzpatrick, Friedel, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Osmundson, Regier K, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No by Senator McGillvray under Motions the following legislative day.

HB 454 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 541 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 153 passed as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Howard, Jacobson, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Sales,

Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn.
Total 39

Nays: Bennett, Boland, Hoven, Kary, Keenan, Lang, McClafferty, Pomnichowski, Regier K, Tempel, Mr. President.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 263 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **HB 233**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 67**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 131**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 115**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Friday, March 26, 2021, the sixtieth legislative day. Motion carried.

Senate adjourned at 2:37 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SIXTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 26, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Molnar excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/26/2021
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the fifty-first through the fifty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 396**, **SB 397**, **SR 84**, **HB 49**, **HB 67**, **HB 115**, **HB 131**, **HB 179**, **HB 207**, **HB 233**, **HB 246**, **HB 252**, **HB 259**, **HB 291**, **HB 292**, **HB 307**, **HB 328**, **HB 331**, **HB 364**, **HB 368**, **HB 386**, **HB 393**, **HB 428**, **HB 478**, **HB 496**, **HB 499**, **HB 543**, **HB 556**, **HB 611**.
Correctly engrossed: **HB 459**.
Correctly enrolled: **SB 60**, **SB 120**, **SB 145**, **SB 221**.
Examined by the sponsor and found to be correct: **SB 52**, **SB 58**, **SB 60**, **SB 113**, **SB 120**, **SB 145**, **SB 221**, **SB 305**.
Transmitted to the House: **SB 153**, **SB 263**, **HB 89**, **HB 91**, **HB 121**, **HB 152**, **HB 173**, **HB 211**, **HB 289**, **HB 401**, **HB 402**, **HB 440**, **HB 454**, **HB 541**.
Signed by the Secretary of the Senate at 11:00 a.m., March 25, 2021: **SB 13**, **SB 38**, **SB 53**, **SB 75**, **SB 109**, **SB 115**, **SB 126**, **SB 128**, **SB 152**, **SB 154**, **SB 170**, **SB 200**, **SB 205**, **SB 227**, **SB 262**, **SB 276**, **SR 57**, **SR 83**.
Signed by the President at 3:00 p.m., March 25, 2021: **SR 57**, **SR 83**.
Signed by the President at 3:05 p.m., March 25, 2021: **SB 200**, **SB 205**, **SB 227**, **SB 262**, **SB 276**.
Signed by the President at 3:45 p.m., March 25, 2021: **SB 13**, **SB 38**, **SB 53**, **SB 75**, **SB 109**, **SB 115**, **SB 126**, **SB 128**, **SB 152**, **SB 154**, **SB 170**.
Delivered to the Secretary of State at 11:25 a.m., March 26, 2021: **SR 57**, **SR 83**.
Delivered to the Governor for information March 26, 2021: **SR 57**, **SR 83**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/26/2021
HB 589, be concurred in.
HB 609, be concurred in.

JUDICIARY (Regier, Chair): 3/26/2021
HB 229, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 3/24/2021
HB 498, be amended as follows:

1. Title, line 6.
Strike: "76-2-209"
Insert: "76-2-109"

2. Page 1.
Following: line 9
Insert: "**Section 1.** Section 76-2-109, MCA, is amended to read:
"**76-2-109. Effect on natural resources.** (1) ~~No planning district or recommendations~~ Regulations adopted under this part ~~shall~~ may not regulate lands used for grazing, horticulture, agriculture, ~~or~~ the growing of timber or the complete use, development, or recovery of any mineral.
(2) (a) A provision of this part may not be construed to alter Montana law regarding the primacy of the mineral estate, to limit access to the mineral estate, or to limit development of the mineral estate.
(b) A resolution or rule adopted pursuant to the provisions of this part may not prevent the complete use, development, or recovery of any mineral that is under the jurisdiction of the board of oil and gas conservation pursuant to Title 82, chapter 11, part 1.""

3. Page 1, line 10 through line 27.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 2, line 2.
Strike: "76-2-209"
Insert: "76-2-109"

And, as amended, be concurred in.

HB 554, be amended as follows:

1. Page 2, line 4.
Following: "legislature"
Insert: "prior to a congressional act"

And, as amended, be concurred in.

TAXATION (Hoven, Chair): 3/25/2021
SB 376, do pass.
HB 191, be concurred in.
HB 357, be amended as follows:

1. Page 1.

Following: line 17
Insert: "(2) "Consumer price index" means the consumer price index, United States city average, for all items, for all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the U.S. department of labor.
(3) "Inflation factor" means a number determined for each tax year by dividing the consumer price index for June of the previous tax year by the consumer price index for June 2020. "
Strike: subsections (2) and (3) in their entirety

2. Page 3, line 2.
Following: "the"
Strike: "PCE"

3. Page 3, line 3.
Following: "amount."
Insert: "If the adjustment results in a decrease in qualifying income levels from the previous year, the qualifying income levels must remain the same for that year."

4. Page 4, line 15.
Following: the first "the"
Strike: "PCE"
Following: "amount."
Insert: "If the adjustment results in a decrease in qualifying income levels from the previous year, the qualifying income levels must remain the same for that year."

And, as amended, be concurred in.

HB 394, be concurred in.
HB 616, be amended as follows:

1. Page 2.
Following: line 11
Insert: "(5) "Elected" means chosen by vote or acclamation or appointed to a vacancy in an otherwise elected position."
Renumber: subsequent subsections

2. Page 2, line 14.
Following: "means the"
Insert: "elected members of a"
Following: "other"
Insert: "elected members of a"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/25/2021

SB 20, introduced by J. Cohenour
SB 55, introduced by J. Cohenour
SB 91, introduced by G. Vance
SB 98, introduced by B. Gillespie
SB 135, introduced by S. Fitzpatrick
SB 178, introduced by C. Friedel

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/25/2021

SB 168, introduced by S. Fitzpatrick

Senate amendments to House bill concurred in: 3/25/2021

HB 35, introduced by S. Stewart Peregoy

HB 20 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 20:** 3/25/2021

Representative Beard, Vice Chair
Representative Berglee
Representative Harvey

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 398, introduced by J. Ellsworth, D. Bedey, S. Berglee, M. Binkley, M. Blasdel, E. Buttrey, J. Carlson, S. Fitzpatrick, W. Galt, S. Gist, S. Gunderson, G. Hertz, C. Hinkle, M. Hopkins, C. Knudsen, B. Ler, R. Marshall, F. Nave, M. Noland, A. Regier, K. Seekins-Crowe, D. Skees, M. Stromswold, J. Trebas, B. Tschida, G. Vance, S. Vinton, referred to Business, Labor, and Economic Affairs.
SB 399, introduced by G. Hertz, M. Blasdel, referred to Taxation.
SB 400, introduced by T. Manzella, S. Berglee, B. Brown, J. Carlson, J. Ellsworth, C. Glimm, J. Hinkle, B. Hoven, D. Kary, B. Keenan, D. Lenz, B. Ler, B. Molnar, B. Phalen, A. Regier, C. Smith, G. Vance, K. Bogner, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hertz in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 90 - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 90**. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: Molnar.
Total 1

Absent or not voting: None.
Total 0

HB 63 - Senator Fitzpatrick moved **HB 63** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Molnar.

Total 1

Absent or not voting: None.
Total 0

Senator Molnar present at this time.

HB 318 - Senator Lang moved **HB 318** be concurred in.

HB 318 - Senator Flowers moved **HB 318**, second reading copy, be amended as follows:

1. Page 2, line 10.
Following: "that"
Insert: "is not"

2. Page 2, line 12.
Following: "(a)"
Strike: "has not been"

3. Page 2, line 13.
Following: "(b)"
Strike: "has never been"
Following: "15-24-921;"
Insert: "and"

4. Page 2, line 14.
Following: "(c)"
Strike: "has never been"

5. Page 2, line 14 through line 15.
Strike: ";" on line 14 through "15-24-921" on line 15

6. Page 4, line 5.
Following: "that"
Insert: "is not"

7. Page 4, line 6.
Following: "(a)"
Strike: "has not been"

8. Page 4, line 7.
Following: "(b)"
Strike: "has never been"
Following: "15-24-921;"
Insert: "and"

9. Page 4, line 8.
Following: "(c)"
Strike: "has never been"

10. Page 4, line 8 through line 9.
Strike: ";" on line 8 through "15-24-921" on line 9

11. Page 7, line 25.
Following: "that"
Insert: "is not"

12. Page 7, line 26.
Following: "(a)"
Strike: "has not been"

13. Page 7, line 27.
Following: "(b)"
Strike: "has never been"
Following: "15-24-921;"
Insert: "and"

14. Page 7, line 28.
Following: "(c)"
Strike: "has never been"

15. Page 7, line 28 through page 8, line 1.
Following: "person" on line 28
Strike: remainder of line 28 through "15-24-921" on page 8, line 1

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 21

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 318 - Thereupon, the Senate reverted to the original motion of Senator Lang which passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 336 - Senator Bogner moved **HB 336** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 346 - Senator Tempel moved **HB 346** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 432 - Senator Cohenour moved **HB 432** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 46

Nays: Ellsworth, Friedel, Kary, Vance.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 31 - Senator Fox moved **HB 31** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 192 - Senator K. Regier moved **HB 192** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 47

Nays: Kary, Manzella, Vance.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 14 - Senator Tempel moved **HJ 14** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Esp, Hinebauch, Keenan, Regier K.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 416 - Senator Gross moved **HB 416** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 146 - Senator Kary moved **HB 146** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 159 - Senator Osmundson moved **HB 159** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 38

Nays: Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 12

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 614 - Senator Pope moved **HB 614** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Mr. President.
Total 30

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Glimm, Hertz, Hinebauch, Howard, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Tempel, Vance, Welborn.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 333 - Senator Brown moved **HB 333** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 269 - Senator Hoven moved **SB 269** do pass.

SB 269 - Senator Hoven moved **SB 269**, second reading copy, be amended as follows:

1. Title, line 8.
Following: "PARK"
Insert: "; REQUIRING THE NOTIFICATION OF MOBILE HOME PARK OWNERS; ESTABLISHING A SPECIAL REVENUE ACCOUNT; PROVIDING A STATUTORY APPROPRIATION"

2. Title, line 9.
Strike: "SECTION"
Insert: "SECTIONS"
3. Title, line 9.
Following: "15-31-163"
Insert: "AND 17-7-502"

4. Page 2.
Following: line 15
Insert: "NEW SECTION. **Section 1. Notification of mobile home park owners.** (1) The department shall annually provide a list of the names and addresses of mobile home park owners to the board of housing provided for in 2-15-1814 for the purposes of this section.
(2) The board of housing shall annually and as necessary send notifications to mobile home park owners that facilitates, supports, and incentivizes mobile home park owners to utilize the benefits available pursuant to 15-31-163 and other benefits and reasons to sell a mobile home park to a tenants' association, a mobile home park residents' association, or a nonprofit organization.

(3) Costs associated with the mailing of notices required in subsection (2) may be paid for using funds available in the account provided for in [section 2].
(4) The provisions of 2-6-1017 do not apply to the requirements of this section."
Insert: "NEW SECTION. **Section 2. Account for notification of mobile home park owners.**
(1) There is a special revenue account within the state special revenue fund established in 17-2-102 for the notification of mobile home park owners as required in [section 1].
(2) There must be deposited in the account all monetary contributions, gits, and donations for the purposes of providing the notification required in [section 1].
(3) Money in the account is statutorily appropriated, as provided in 17-7-502, to the board of housing established in 2-15-1814 and may only be used for those purposes provided in this section."
Renumber: subsequent sections

5. Page 3.
Following: line 12
Insert: "**Section 4.** Section 17-7-502, MCA, is amended to read:
"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.
(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:
(a) The law containing the statutory authority must be listed in subsection (3).
(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.
(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-1304; 10-4-301; [10-4-304;] 15-1-121; 15-1-218; [section 2]; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-416; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.
(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount

sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023, and pursuant to sec. 2, Ch. 340, L. 2017, and sec. 32, Ch. 429, L. 2017, is void for fiscal years 2018 and 2019; pursuant to sec. 31(2), Ch. 367, L. 2017, the inclusion of 10-4-301 terminates July 1, 2018, and the inclusion of 10-4-304 is effective July 1, 2018; and pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027.)""
Renumber: subsequent sections

6. Page 4.
Following: line 27
Insert: "NEW SECTION. **Section 5. Codification instruction.** [Sections 1 and 2] are intended to be codified as an integral part of Title 15, chapter 31, part 1, and the provisions of Title 15, chapter 31, part 1, apply to [sections 1 and 2]."
Renumber: subsequent sections

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 47

Nays: Friedel, Smith C, Vance.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 269 - As amended, **SB 269** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 46

Nays: Friedel, Kary, Smith C, Vance.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 49 - **House Amendments** - President Blasdel moved House amendments to **SB 49** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Cuffe, Howard, McGillvray, Smith C.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 57 - **House Amendments** - Senator Pomnichowski moved House amendments to **SB 57** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 48

Nays: Glimm, Vance.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Hertz moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 45

Nays: Cohenour, Flowers, Gross, Morigeau, Webber.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 156, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Cuffe, Howard.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 55 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 129 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Keenan, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 179 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Keenan, McGillvray.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 207 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 246 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 259 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr.

President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 291 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 45

Nays: Hinebauch, Kary, Manzella, Smith C, Vance.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 292 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 42

Nays: Cuffe, Ellsworth, Howard, Kary, Keenan, Manzella, Osmundson, Vance.

Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 331 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 393 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 478 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 496 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Fox.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 543 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 611 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 49 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau,

O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 42

Nays: Cuffe, Glimm, Kary, Lang, Manzella, Regier K, Smith C, Vance.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 252 concurred in as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Fitzpatrick, Friedel, Gauthier, Gillespie, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Cohenour, Ellsworth, Esp, Flowers, Fox, Glimm, Gross, Hinebauch, Howard, Keenan, Manzella, McGillvray, Pomnichowski, Pope, Regier K, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Smith moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 20**. Motion carried. President Blasdel appointed: 3/26/2021

Senator Vance, Chair
Senator Ellsworth
Senator Sands

Senator McGillvray moved to change his third-reading vote on **HB 440**, from the previous

legislative day, from Yes to No. Without objection, so ordered.

Senator Boland moved to change her third-reading vote on **HB 252** from Yes to No. Without objection, so ordered.

Senator Boldman moved to change her third-reading vote on **HB 252** from No to Yes. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Monday, March 29, 2021, the sixty-first legislative day. Motion carried.

Senate adjourned at 2:30 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SIXTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 29, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Molnar excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/29/2021

Correctly printed: **SB 376**, **SB 398**, **SB 399**, **SB 400**, **SR 90**, **HB 31**, **HB 63**, **HB 146**, **HB 159**, **HB 191**, **HB 192**, **HB 229**, **HB 318**, **HB 333**, **HB 336**, **HB 346**, **HB 394**, **HB 416**, **HB 432**, **HB 589**, **HB 609**, **HB 614**, **HJ 14**.
Correctly engrossed: **SB 269**, **HB 357**, **HB 498**, **HB 554**, **HB 616**.
Examined by the sponsor and found to be correct: **SB 127**, **SB 193**.
Transmitted to the House: **HB 49**, **HB 55**, **HB 129**, **HB 179**, **HB 207**, **HB 246**, **HB 252**, **HB 259**, **HB 291**, **HB 292**, **HB 331**, **HB 393**, **HB 478**, **HB 496**, **HB 543**, **HB 611**.
Signed by the Speaker at 3:40 p.m., March 26, 2021: **SB 200**, **SB 205**, **SB 227**, **SB 262**, **SB 276**.
Signed by the Speaker at 3:50 p.m., March 26, 2021: **SB 13**, **SB 38**, **SB 53**, **SB 75**, **SB 109**, **SB 115**, **SB 126**, **SB 128**, **SB 152**, **SB 154**, **SB 170**.
Delivered to the Governor for signature at 8:25 a.m., March 29, 2021: **SB 13**, **SB 38**, **SB 53**, **SB 75**, **SB 109**, **SB 115**, **SB 126**, **SB 128**, **SB 152**, **SB 154**, **SB 170**, **SB 200**, **SB 205**, **SB 227**, **SB 262**, **SB 276**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/26/2021
SB 374, introduced bill, be amended as follows:

1. Title, line 6.
Following: "FOR"
Insert: "AND LIMITATIONS ON"

2. Title, line 7.
Following: "37-2-104"
Insert: ", 37-7-103,"

3. Page 1, line 15.
Strike: "A"
Insert: "Subject to subsection (7), a"

4. Page 1, line 15.

Strike: "as provided in"
Insert: "if the practitioner:
(a) registers with the board of pharmacy provided for in 2-15-1733; and
(b) complies with the requirements of"

5. Page 2, line 3.
Following: "storage,"
Insert: "inspection,"

6. Page 2, line 5.
Strike: "Except as provided in subsection (7), a"
Insert: "A"

7. Page 2, line 5 through line 6.
Strike: "wishing" on line 5 through "register" on line 6
Insert: "registering"

8. Page 2, line 6.
Strike: "provided for in 2-15-1733 and"
Insert: "shall"

9. Page 2.
Following: line 7
Insert: "(7) Except as provided in subsection (8), a medical practitioner registered with the board of pharmacy may not dispense drugs to an injured worker being treated pursuant to Title 39, chapter 71."
Renumber: subsequent subsections

10. Page 2, line 9.
Following: "drugs"
Insert: "or when a practitioner registered to dispense drugs is treating an injured worker pursuant to Title 39, chapter 71"

11. Page 3, line 2.
Strike: "(7)(h)"
Insert: "(8)(h)"

12. Page 3.
Following: line 14
Insert: "**Section 3.** Section 37-7-103, MCA, is amended to read:
"**37-7-103. Exemptions.** Subject only to 37-2-104, 37-7-401, and 37-7-402, this chapter does not:
(1) subject a medical practitioner, as defined in 37-2-101, or a person who is licensed in this state to practice ~~medicine, dentistry, or~~ veterinary medicine to inspection by the board, prevent the person from compounding or using drugs, medicines, chemicals, or poisons in the person's practice, or prevent a ~~person who is licensed to practice medicine~~ medical

practitioner from furnishing to a patient drugs, medicines, chemicals, or poisons that the person considers proper in the treatment of the patient;
(2) prevent the sale of drugs, medicines, chemicals, or poisons at wholesale;
(3) prevent the sale of drugs, chemicals, or poisons at either wholesale or retail for use for commercial purposes or in the arts;
(4) change any of the provisions of this code relating to the sale of insecticides and fungicides;
(5) prevent the sale of common household preparations and other drugs if the stores selling them are licensed under the terms of this chapter;
(6) apply to or interfere with manufacture, wholesaling, vending, or retailing of flavoring extracts, toilet articles, cosmetics, perfumes, spices, and other commonly used household articles of a chemical nature for use for nonmedicinal purposes;
(7) prevent a registered nurse employed by a family planning clinic under contract with the department of public health and human services from dispensing factory prepackaged contraceptives, other than mifepristone, if the dispensing is in accordance with a physician's written protocol specifying the circumstances under which dispensing is appropriate and is in accordance with the board's requirements for labeling, storage, and recordkeeping of drugs; or
(8) prevent a certified agency from possessing, or a certified euthanasia technician or support personnel under the supervision of the employing veterinarian from administering, any controlled substance authorized by the board of veterinary medicine for the purpose of euthanasia pursuant to Title 37, chapter 18, part 6.""
Renumber: subsequent sections

And, as amended, do pass.

SB 378, introduced bill, be amended as follows:

1. Page 1.
Following: line 13
Insert: "(1) (a) "Multiple competitor sports pool" means a sports pool in which three or more competitors simultaneously compete in a college or professional sports event or series of sports events. The term includes but is not limited to a sports event in which competitors are placed into a bracket.
(b) The term does not include multiple competitor sports pools utilizing any form of internet gambling as defined in 23-5-112."

2. Page 1, line 14.
Strike: "(1) (a)"
Insert: "(2)"

3. Page 1, line 18 through line 21.
Strike: subsection (b) in its entirety

4. Page 1, line 22.
Strike: "(2)"

Insert: "(3)"

5. Page 1, line 24.
Strike: "(3)"
Insert: "(4)"

And, as amended, do pass.

SR 91, introduced resolution, be amended as follows:

1. Page 1, line 13.
Strike: "Barbara Jenkins, Kalispell, Montana, appointed to a term ending October 1, 2025."

And, as amended, be adopted.

JUDICIARY (Regier, Chair): 3/26/2021
HB 382, be amended as follows:

1. Page 1, line 17.
Strike: "dangerous fire conditions exist"
Insert: "that fire danger is high, very high, or extreme"

2. Page 1, line 26.
Strike: "dangerous fire conditions exist"
Insert: "that fire danger is high, very high, or extreme"

3. Page 2, line 7.
Strike: "dangerous fire conditions exist"
Insert: "that fire danger is high, very high, or extreme"

And, as amended, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/26/2021
SR 94, introduced resolution, be amended as follows:

And, as amended, be adopted.

HB 398, be concurred in.
HB 423, be amended as follows:

1. Page 1, line 24.
Strike: "EIGHT"
Insert: "12"

2. Page 1, line 25.

Strike: "as follows:"
Insert: ".
(2) (a) The director shall appoint the following voting members:"
Renumber: subsequent subsections

3. Page 1, line 26.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

4. Page 2, line 5.
Following: "disorders;"
Strike: "and"

5. Page 2, line 7.
Following: "laboratory"
Insert: "; and
(vii) one member who works in a tribal health care system"

6. Page 2.
Following: line 7.
Insert: "(b) The director shall appoint the following department employees as nonvoting members:
(i) the chief medical director;
(ii) a representative of the newborn screening program; and
(iii) a representative of the laboratory services bureau."

7. Page 2, line 8.
Following: "~~board~~"
Insert: "voting"

8. Page 2, line 10.
Strike: "six"
Insert: "eight voting"

9. Page 2, line 10.
Strike: "3, OR 4"
Insert: "or 3"

10. Page 2, line 11.
Strike: "two"
Insert: "four"

10.5. Page 2, line 14.
Following: "subsection"
Strike: "(2)"

Insert: "(3)"

11. Page 2, line 15.
Following: "protocol."
Insert: "In making recommendations to the department, the committee shall use federally recognized national standards for newborn screening, including the recommended uniform screening panel developed by the health resources and services administration of the United States department of health and human services."

12. Page 2, line 25.
Following: "PRIORITY"
Strike: "AT ITS FIRST MEETING"

13. Page 2, line 25 through line 27.
Strike: "AND SHALL" on line 25 through "COMMITTEE" on line 27

And, as amended, be concurred in.

HB 426, be amended as follows:

1. Title, line 7.
Following: "RESPONSES;"
Insert: "CLARIFYING THAT THE OMBUDSMAN MAY INDEPENDENTLY INVESTIGATE A MATTER BEING ADDRESSED IN ANOTHER MANNER;"

2. Page 3, line 4.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

3. Page 3.
Following: line 9
Insert: "(2) The ombudsman may investigate a request for assistance in a matter that is being or may reasonably be addressed by another remedy or channel, including a matter that is before a court."
Renumber: subsequent subsections

5. Page 3, line 13.
Strike: "30"
Insert: "60"

6. Page 3, line 14.
Strike: "has taken"
Insert: "is taking"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 26, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Blasdel:

On Friday, March 26th, I signed the following bills:

Senate Bill 18 - Salomon
Senate Bill 80 - Regier
Senate Bill 123 - Regier

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/26/2021

SB 240, introduced by T. Manzella
SB 267, introduced by B. Brown

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:
3/26/2021

SB 169, introduced by M. Cuffe
SB 196, introduced by T. McGillvray
SB 211, introduced by S. Fitzpatrick
SB 309, introduced by W. Sales

House bill passed and transmitted to the Senate for concurrence: 3/26/2021

HB 624, introduced by A. Buckley

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 402, introduced by C. Smith, J. Ellsworth, referred to Judiciary.

The following Senate bill was introduced and read first time:

SB 401, introduced by D. Howard, C. Smith, J. Ellsworth, C. Glimm, G. Hertz, S. Hinebauch, D. Kary, M. Lang, T. McGillvray, K. Regier, C. Smith, G. Vance.

The following House bill was introduced and read first time:

HB 624, introduced by A. Buckley, E. Buttrey, D. Salomon, F. Anderson, W. Sales, T. Welch, S. O'Brien.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gillespie in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Molnar present at this time.

SB 320 - Senator Boldman moved **SB 320** do pass. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 34

Nays: Ankney, Cuffe, Esp, Fitzpatrick, Glimm, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Regier K, Smith C, Vance.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 556 - Senator Welborn moved **HB 556** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 50 - Senator Tempel moved **HB 50** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 36

Nays: Bogner, Brown, Esp, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, Regier K, Smith C, Vance, Mr. President.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 494 - Senator Lynch moved **HB 494** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 368 - Senator Sands moved **HB 368** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 31

Nays: Brown, Cuffe, Ellsworth, Friedel, Glimm, Hertz, Hinebauch, Howard, Kary, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Smith C, Vance, Mr. President.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 386 - Senator Brown moved **HB 386** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Pomnichowski.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 499 - Senator Manzella moved **HB 499** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 231 - Senator Glimm moved **HB 231** be concurred in.

HB 231 - Senator Glimm moved **HB 231**, second reading copy, be amended as follows:

1. Page 9, line 24.
Following: "definitions"
Insert: "-- report on capital expenditures not subject to certificate of need"

2. Page 11.
Following: line 25
Insert: "(4) (a) When a person incurs an obligation by or on behalf of a long-term care facility for a capital expenditure that exceeds $5 million and does not otherwise require a certificate of need under this part, the person shall, upon completion of the project:
(i) notify the department of the total amount of the expenditure; and

(ii) provide a description of the project.
(b) This subsection (4) does not apply to a capital expenditure that involves the acquisition of an existing long-term care facility."

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 37

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, Morigeau, O'Brien, Sweeney.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 231 - As amended, **HB 231** was concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 307 - Senator Sands moved **HB 307** be concurred in. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Mr. President.
Total 38

Nays: Ankney, Esp, Friedel, Gross, Hoven, Manzella, Molnar, Osmundson, Regier K, Smith C, Vance, Welborn.
Total 12

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 328 - Senator McNally moved **HB 328** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 47

Nays: Cuffe, Regier K, Vance.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 364 - Senator McGillvray moved **HB 364** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 459 - Senator Glimm moved **HB 459** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 6 - Senator Hertz moved **HJ 6** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 45

Nays: Gross, McClafferty, Pomnichowski, Sands, Webber.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 168 - **House Amendments** - Senator Fitzpatrick moved House amendments to **SB 168** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Gillespie moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 49, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 44

Nays: Cuffe, Esp, Howard, Keenan, McGillvray, Smith C.
Total 6

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 57, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 48

Nays: Glimm, Vance.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 31 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Keenan.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 63 concurred in as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Glimm, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 146 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 159 concurred in as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 36

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 192 concurred in as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Mr. President.
Total 43

Nays: Ankney, Cuffe, Glimm, Kary, Manzella, Vance, Welborn.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 318 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 333 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 336 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 346 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 416 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 432 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 46

Nays: Ellsworth, Kary, Osmundson, Vance.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 614 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn.
Total 29

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Tempel, Vance, Mr. President.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 14 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 45

Nays: Esp, Hinebauch, Lang, Regier K, Vance.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved the Senate suspend rules S40-40, S40-60, S50-190, and joint

rule 40-150 through the sixty-seventh legislative day. Without objection, so ordered.

Senator Molnar moved the Senate use the subpoena power provided in 5-5-101, MCA, to compel Northwestern Energy representatives to attend the hearing in the Energy and Telecommunications Committee on **SB 379**. President Blasdel stated he will not offer that subpoena and Senator Molnar withdraw his motion.

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the coming week:

Ellie Blasdel, from Somers, Montana, sponsored by Senate President Blasdel
Thea Gillespie, from Madison, Wisconsin, sponsored by Senator Gillespie
Riley Glimm from Kila, Montana, sponsored by Senator Glimm
Leah Knudsen from East Helena, Montana, sponsored by Senator Vance
Reagan Long from Livingston, Montana, sponsored by Senator Esp

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, March 30, 2021, the sixty-second legislative day. Motion carried.

Senate adjourned at 2:50 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SIXTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 30, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/30/2021

Correctly printed: **SB 320**, **SB 401**, **SB 402**, **SR 94**, **HB 50**, **HB 307**, **HB 328**, **HB 364**, **HB 368**, **HB 386**, **HB 398**, **HB 459**, **HB 494**, **HB 499**, **HB 556**, **HJ 6**.
Correctly engrossed: **SB 374**, **SB 378**, **SR 91**, **HB 231**, **HB 382**, **HB 423**, **HB 426**.
Correctly enrolled: **SB 101**, **SB 131**, **SB 161**, **SB 339**.
Examined by the sponsor and found to be correct: **SB 101**, **SB 131**, **SB 161**.
Transmitted to the House: **HB 31**, **HB 63**, **HB 146**, **HB 159**, **HB 192**, **HB 318**, **HB 333**, **HB 336**, **HB 346**, **HB 416**, **HB 432**, **HB 614**, **HJ 14**.
Signed by the Secretary of the Senate at 11:00 a.m., March 29, 2021: **SB 58**, **SB 60**, **SB 113**, **SB 120**, **SB 145**, **SB 193**, **SB 221**, **SB 305**.
Signed by the Secretary of the Senate at 4:45 p.m., March 29, 2021: **SB 127**.
Signed by the President at 9:10 a.m., March 30, 2021: **SB 58**, **SB 60**, **SB 113**, **SB 120**, **SB 145**, **SB 221**, **SB 305**.
Signed by the President at 9:15 a.m., March 30, 2021: **SB 127**, **SB 193**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 3/25/2021
HB 501, be amended as follows:

1. Title, line 6.
Following: "TRESPASS;"
Strike: "AND"

2. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1.
Following: line 25
Insert: "NEW SECTION. **Section 2.** {standard} **Effective date**. [This act] is effective on passage and approval."

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 3/26/2021
HB 439, be amended as follows:

1. Page 1, line 28 through page 2, line 1.
Following: "sheriff" on line 28
Strike: remainder of line 28 through "court." on page 2, line 1
Insert: ":
(a) within 5 business days of the sheriff receiving the writ of assistance, excluding of the date of receipt by the sheriff; or
(b) at a time no more than 5 business days after the sheriff receives the writ of assistance or as otherwise agreed to by the landlord and the sheriff."

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 3/30/2021
HB 380, be concurred in.
HB 451, be concurred in.
HB 463, be concurred in.
HB 480, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/29/2021
SJ 22, do pass.
HB 549, be concurred in.
HJ 19, be concurred in.

STATE ADMINISTRATION (Kary, Chair): 3/29/2021
SR 74, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/29/2021

SB 72, introduced by K. Regier
SB 175, introduced by D. Kary
SB 275, introduced by J. Welborn

Senate joint resolution concurred in and returned to the Senate: 3/29/2021

SJ 15, introduced by J. Ellsworth

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/29/2021

SB 300, introduced by C. Glimm

Senate amendments to House bill concurred in: 3/29/2021

HB 43, introduced by R. Knudsen

House bills passed and transmitted to the Senate for concurrence: 3/29/2021

HB 5, introduced by L. Jones
HB 6, introduced by M. Hopkins
HB 7, introduced by M. Hopkins
HB 9, introduced by M. Hopkins
HB 11, introduced by W. McKamey
HB 643, introduced by G. Custer

HB 367, introduced by P. Fielder, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 3/29/2021

Yeas - 66 Nays - 34

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 403, introduced by B. Keenan, referred to Local Government.
SB 404, introduced by G. Hertz, referred to Natural Resources.
SB 405, introduced by G. Hertz, referred to Natural Resources.
SB 406, introduced by B. Brown, referred to Natural Resources.
SB 407, introduced by S. O'Brien, referred to Business, Labor, and Economic Affairs.
SB 408, introduced by M. Cuffe, referred to Natural Resources.

The following Senate bill, previously introduced, was referred to committee:

SB 401, introduced by D. Howard, C. Smith, J. Ellsworth, C. Glimm, G. Hertz, S. Hinebauch, D. Kary, M. Lang, T. McGillvray, K. Regier, C. Smith, G. Vance, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 5, introduced by L. Jones, K. Holmlund, M. Hopkins, referred to Finance and Claims.

HB 6, introduced by M. Hopkins (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 7, introduced by M. Hopkins (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 9, introduced by M. Hopkins (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 11, introduced by W. McKamey, M. Hopkins, referred to Finance and Claims.
HB 367, introduced by P. Fielder, M. Cuffe, D. Skees, J. Read, K. Regier, C. Smith, M. Blasdel, L. Jones, B. Keenan, C. Glimm, D. Lenz, W. Galt, B. Brown, F. Garner, J. Hinkle, M. Noland, V. Ricci, B. Tschida, S. Hinebauch, S. Gunderson, M. Regier, F. Anderson, L. Sheldon-Galloway, J. Trebas, C. Knudsen, B. Usher, J. Patelis, S. Vinton, J. Ellsworth, N. Duram, J. Fuller, R. Knudsen, J. Kassmier, B. Ler, B. Phalen, J. Carlson, B. Mitchell, S. Galloway, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Malone, C. Hinkle, K. Walsh, M. Binkley, R. Marshall, referred to Fish and Game.
HB 643, introduced by G. Custer, referred to State Administration.

The following House bill, previously introduced, was referred to committee:

HB 624, introduced by A. Buckley, E. Buttrey, D. Salomon, F. Anderson, W. Sales, T. Welch, S. O'Brien, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fitzpatrick in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Majority Leader Smith moved that **SB 211 HA** be moved to the bottom of the board. Without objection, so ordered.

SB 196 - **House Amendments** - Senator McGillvray moved House amendments to **SB 196** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 169 - **House Amendments** - Senator Cuffe moved House amendments to **SB 169** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 230 - **House Amendments** - Senator Lang moved House amendments to **SB 230** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 66 - Senator Glimm moved **HB 66** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 49

Nays: Vance.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 357 - Senator O'Brien moved **HB 357** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 41

Nays: Cuffe, Esp, Hinebauch, Howard, Kary, McGillvray, Regier K, Smith C, Vance.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 482 - Senator Fox moved **HB 482** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 57 - Senator Sands moved **HB 57** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 280 - Senator Howard moved **HB 280** be concurred in. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien,

Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 43

Nays: Ankney, Esp, Gross, Hertz, Lynch, Pomnichowski, Sweeney.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 609 - Senator Small moved **HB 609** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 407 - Senator Gauthier moved **HB 407** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.

Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes made by Senator McGillvray under Motions.

HB 558 - Senator Gauthier moved **HB 558** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 112 - Senator K. Regier moved **HB 112** be concurred in.

HB 112 - Senator Salomon moved **HB 112**, second reading copy, be amended as follows:

1. Title, line 7.
Following: "ACT;"
Insert: "PROVIDING FOR CONTINGENT VOIDNESS;"

2. Page 4.
Following: line 15
Insert: "NEW SECTION. **Section 6. Contingent voidness**. [This act] is void on the date that the office for civil rights of the United States department of education issues a letter of

impending enforcement action due to the enforcement of [this act]."
Renumber: subsequent sections

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 27

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include vote changes by Senator Cuffe from Yes to No, and by Senator O'Brien from No to Yes made under Motions.

HB 112 - As amended, **HB 112** was concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

President Blasdel assumed the chair.

HB 211 - **House Amendments** - Senator Fitzpatrick moved House amendments to **HB 211** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Fitzpatrick moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 168 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 269 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 46

Nays: Friedel, Kary, Smith C, Vance.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 320 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Sands, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 33

Nays: Cuffe, Ellsworth, Esp, Fitzpatrick, Glimm, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Regier K, Salomon, Small, Smith C, Vance.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 50 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 31

Nays: Bogner, Brown, Ellsworth, Esp, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Regier K, Smith C, Vance, Welborn, Mr. President.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 307 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lynch, McClafferty, McGillvray, McNally, O'Brien, Pomnichowski, Pope, Sales, Sands, Small,

Sweeney, Tempel, Webber.
Total 33

Nays: Bogner, Boldman, Esp, Friedel, Gross, Hoven, Lang, Manzella, Molnar, Morigeau, Osmundson, Regier K, Salomon, Smith C, Vance, Welborn, Mr. President.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 328 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Mr. President.
Total 45

Nays: Lang, Manzella, Regier K, Vance, Welborn.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 364 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 368 failed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gross, Jacobson, Lynch, McNally, Morigeau, O'Brien, Pope, Sands, Sweeney, Webber.
Total 21

Nays: Brown, Cuffe, Ellsworth, Esp, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, Molnar, Osmundson, Pomnichowski, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a vote change from Yes to No, made by Senator Molnar under Motions.

HB 386 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 46

Nays: Pomnichowski, Pope, Sands, Webber.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 459 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 494 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 499 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 556 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Keenan.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 6 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 46

Nays: Gross, Pomnichowski, Sands, Webber.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Welborn, Chair): 3/26/2021
HB 599, be amended as follows:

1. Title, line 6.
Following: "SECTIONS"
Insert: "76-2-209,"

2. Page 1.
Following: line 11
Insert: "**Section 1.** Section 76-2-209, MCA, is amended to read:
"**76-2-209. Effect on natural resources.** (1) Except as provided in 82-4-431, 82-4-432, and subsection (2) of this section, a resolution or rule adopted pursuant to the provisions of this part, except 76-2-206, may not prevent the complete use, development, or recovery of any mineral, forest, or agricultural resources by the owner of any mineral, forest, or agricultural resource.
(2) The complete use, development, or recovery of a mineral by an operation that mines sand and gravel or an operation that mixes concrete or batches asphalt may be reasonably conditioned or prohibited on a site that is located within a geographic area zoned as residential, as defined by the board of county commissioners <u>and in effect prior to the filing of a permit application or at the time a written request is received for a preapplication meeting pursuant to 82-4-432</u>.
(3) Zoning regulations adopted under this chapter <u>and in effect prior to the filing of a permit application or at the time a written request is received for a preapplication meeting pursuant to 82-4-432</u> may reasonably condition, but not prohibit, the complete use, development, or recovery of a mineral by an operation that mines sand and gravel and

may condition an operation that mixes concrete or batches asphalt in all zones other than residential.""

Renumber: subsequent sections

3. Page 3.
Following: line 9
Insert: "(16) "Water conveyance facilities" means existing diversions, aqueducts, canals, ditches, drains, flumes, headgates, syphons, or other structures or infrastructure actively used to facilitate the beneficial use of a water right under Title 85."

4. Page 3, line 19.
Following: "streams"
Insert: ","
Strike: "or"

5. Page 3, line 19.
Following: the second "water"
Insert: ", or water conveyance facilities"

6. Page 4, line 15.
Strike: "intercept"
Insert: "affect"

7. Page 4, line 15.
Following: the second "water"
Insert: ", a water conveyance facility"

8. Page 5, line 11.
Following: "permit"
Insert: ", unless the removal affects surface water, including intermittent or perennial streams, ground water, or water conveyance facilities"

9. Page 6, line 25.
Strike: "intercept"
Insert: "affect"

10. Page 6, line 25.
Following: "streams"
Insert: ", or water conveyance facilities"

11. Page 12, line 10.
Strike: "30"
Insert: "60"

12. Page 12, line 11.
Strike: "and"

Insert: "(x) certification from the operator that notice of the proposed opencut operation was:
(A) published at least twice in a newspaper of general circulation in the locality of the proposed opencut operation;
(B) mailed to surface owners of land located within one-half mile of the boundary of the proposed opencut permit area using the most current known owners of record as shown in the paper or electronic records of the county clerk and recorder for the county where the proposed opencut operation is located. If the notice does not include a map, the applicant shall promptly provide a copy to a requestor.
(C) posted in at least two prominent locations at the site of the proposed opencut operation, including near a public road if possible;"
Renumber: subsequent subsection

13. Page 12, line 19.
Following: "section"
Insert: ". Public comment may be submitted throughout the review period"

14. Page 15, line 5.
Following: "operation;"
Strike: "and"

15. Page 15, line 7.
Following: "boundary"
Insert: "; and
(l) procedures to prevent physical harm to water conveyance facilities, or that allow the owner of a water conveyance facility to authorize in writing the relocation or disturbance of the water conveyance facility"

16. Page 17, line 4.
Strike: "2"
Insert: "3"

17. Page 17, line 4.
Strike: "4"
Insert: "5"

18. Page 17, line 5.
Following: "act]"
Insert: "that propose to change the reclamation date or the post mine land use"

And, as amended, be concurred in.

Without objection, the committee report was adopted.

MOTIONS

Majority Leader Smith moved that **HB 357**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Cuffe moved to change his second-reading vote on the **amendment to HB 112** from Yes to No. Without objection, so ordered.

Senator O'Brien moved to change her second-reading vote on the **amendment to HB 112** from No to Yes. Without objection, so ordered.

Senator Molnar moved to change his third-reading vote on **HB 368** from Yes to No. Without objection, so ordered.

Senator McGillvray moved to change his second-reading vote on **HB 407** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, March 31, 2021, the sixty-third legislative day. Motion carried.

Senate adjourned at 2:26 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SIXTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 31, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Gross excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/31/2021

Correctly printed: **SB 403**, **SB 404**, **SB 405**, **SB 406**, **SB 407**, **SB 408**, **SJ 22**, **SR 74**, **HB 57**, **HB 66**, **HB 280**, **HB 357**, **HB 380**, **HB 407**, **HB 451**, **HB 463**, **HB 480**, **HB 482**, **HB 549**, **HB 558**, **HB 609**, **HJ 19**.
Correctly engrossed: **HB 112**, **HB 439**, **HB 501**, **HB 599**.
Examined by the sponsor and found to be correct: **SB 339**.
Transmitted to the House: **SB 269**, **SB 320**, **HB 50**, **HB 307**, **HB 328**, **HB 364**, **HB 386**, **HB 459**, **HB 494**, **HB 499**, **HB 556**, **HJ 6**.
Signed by the Speaker at 10:20 a.m., March 31, 2021: **SB 58**, **SB 60**, **SB 113**, **SB 120**, **SB 127**, **SB 145**, **SB 193**, **SB 221**, **SB 305**.
Delivered to the Governor for signature at 11:29 a.m., March 31, 2021: **SB 58**, **SB 60**, **SB 113**, **SB 120**, **SB 127**, **SB 145**, **SB 193**, **SB 221**, **SB 305**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Lang, Chair): 3/30/2021
HB 302, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 3/30/2021
SB 86, do pass.
HB 170, be concurred in.

FISH AND GAME (Hinebauch, Chair): 3/30/2021
SB 384, introduced bill, be amended as follows:

1. Title, line 4.
Following: "REVISING"
Strike: "LAWS RELATED TO"

2. Title, line 5 through line 6.
Strike: "REVISING" on line 5 through "FUNDS;" on line 6

3. Title, line 7.
Strike: "SECTIONS"
Insert: "SECTION"

4. Title, line 7.
Strike: "69-3-308, AND 80-7-1004,"
Strike: "REPEALING SECTION 15-72-601, MCA;"

5. Title, line 8.
Following: "PROVIDING"
Insert: "AN"

6. Title, line 8.
Strike: "DATES"
Insert: "DATE"

7. Page 2, line 9 through page 4, line 22.
Strike: sections 2 through 5 in their entirety
Renumber: subsequent sections

8. Page 4, line 24.
Strike: "**dates**"
Insert: "**date**"

9. Page 4, line 24.
Strike: "(1) Except as provided in subsection (2), [this"
Insert: "[This"

10. Page 4, line 26.
Strike: subsection (2) in its entirety

And, as amended, do pass.

SR 88, be adopted.
HB 468, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 3/30/2021
SB 392, introduced bill, be amended as follows:

1. Title, line 7.
Following: "DEPARTMENT"
Strike: "A PORTION OF"

2. Title, line 7 through line 8.
Strike: "PROVIDING" on line 7 through "NEGOTIATION;" on line 8

3. Page 1, line 13.
Strike: "**easement"**
Insert: "**right-of-way"**

4. Page 1, line 14.
Strike: "an easement"
Insert: "a right-of-way use agreement"

5. Page 1, line 16.
Strike: "an"
Insert: "a significant"

6. Page 1, line 16.
Following: "investment,"
Insert: "a"

7. Page 1, line 17.
Following: "positive"
Insert: "significant"
Following: "both,"
Strike: "of at least $100 million"

8. Page 1, line 18.
Strike: "and"

9. Page 1, line 19.
Strike: "provide a public benefit"
Insert: "are in the public interest; and
(c) are approved by the federal highway administration"

10. Page 1, line 20.
Strike: "an easement"
Insert: "a right-of-way use agreement"

11. Page 1, line 22.
Following: "shall"
Insert: "work with the applicant and the federal highway administration throughout the review process and"

12. Page 1, line 22.
Strike: "receipt"
Insert: "approval by the federal highway administration"

13. Page 1, line 23 through line 25.

Following: "(3)" on line 23
Strike: remainder of line 23 through "(b)" on line 25

14. Page 1, line 25 through line 26.
Strike: "negotiate" on line 25 through "faith" on line 26
Insert: "agree to the payment of the fair market value of the portion of the right-of-way where the project will be located"

15. Page 1, line 26.
Strike: "easement"
Insert: "right-of-way use agreement"

16. Page 1, line 28.
Strike: "an easement"
Insert: "a right-of-way use agreement and any rules necessary to ensure the state is not prevented from receiving federal funds for highway purposes"

17. Page 2, line 2.
Strike: "designed to store or carry hydrogen and"
Insert: "or"

18. Page 2, line 3.
Following: "cables"
Insert: "and associated infrastructure"

19. Page 2, line 4.
Strike: "benefit"
Insert: "interest"

20. Page 2, line 4 through line 6.
Strike: "means" on line 4 through "infrastructure" on line 6
Insert: "is determined by federal highway administration guidance"

And, as amended, do pass.

HB 264, be concurred in.
HB 586, be concurred in.
HB 598, be concurred in.

JUDICIARY (Regier, Chair): 3/25/2021
HB 555, be amended as follows:

1. Title, line 6.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1.
Following: line 21
Insert: "NEW SECTION. **Section 2.** {standard} **Effective date**. [This act] is effective on passage and approval."

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 3/31/2021
HB 391, be concurred in.
HJ 4, be amended as follows:

1. Page 3, line 3.
Following: "Services,"
Insert: "the Department of Corrections, family members of individuals in the correctional system with mental illness, including family members of those in the Forensic Mental Health Facility,"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 3/30/2021

SB 248, introduced by E. Boldman

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:
3/30/2021
SB 354, introduced by S. Hinebauch

Senate amendments to House bills concurred in: 3/30/2021

HB 34, introduced by F. Smith
HB 47, introduced by W. McKamey
HB 163, introduced by P. Fielder
HB 176, introduced by S. Greef
HB 349, introduced by M. Hopkins
HB 379, introduced by S. Vinton

HB 8, introduced by M. Hopkins, requiring adoption by an affirmative roll call vote of three-fourths of the members of each house, passed the House and was transmitted to the Senate

with the following vote: 3/30/2021

Yeas -99 Nays - 0

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 8, introduced by M. Hopkins (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Salomon in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 423 - Majority Leader Smith moved consideration of **HB 423** be passed for the day. Without objection, so ordered.

SR 91 - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 91**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SR 94 - Senator Howard moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 94**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 300 - **House Amendments** - Senator Glimm moved House amendments to **SB 300** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 20

Voted absentee: Gross, No.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 258 - Senator McGillvray moved **HB 258** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie,

Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: Gross, No.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 382 - Senator Sands moved **HB 382** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Webber.
Total 35

Nays: Bogner, Brown, Ellsworth, Glimm, Hertz, Howard, Kary, Lang, Manzella, Osmundson, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 15

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 394 - Senator Hertz moved **HB 394** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 616 - Senator Hertz moved **HB 616** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 298 - Senator Hertz moved **HB 298** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 376 - Senator Hertz moved **SB 376** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Gross, No.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 589 - Senator Fitzpatrick moved **HB 589** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 201 - Senator Hinebauch moved **HB 201** be concurred in. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Mr. President.
Total 27

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber, Welborn.
Total 23

Voted absentee: Gross, No.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 426 - Majority Leader Smith moved consideration of **HB 426** be passed for the day. Without objection, so ordered.

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Salomon moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 41

Nays: Bennett, Boland, Cohenour, Jacobson, McNally, Morigeau, Pomnichowski, Webber.
Total 8

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 169, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 196, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Vance, Webber.
Total 20

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.

Total 0

SB 211, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No by Senator Jacobson under Motions.

SB 230, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 57 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 66 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 48

Nays: Vance.
Total 1

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 231 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 17

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No by Senator Jacobson under Motions.

HB 280 concurred in as follows:

Yeas: Bennett, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 37

Nays: Ankney, Boland, Boldman, Ellis, Hertz, Jacobson, Lynch, McClafferty, O'Brien, Pomnichowski, Sands, Sweeney.
Total 12

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 407 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 20

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 482 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 558 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 609 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 376**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved to appoint a Free Conference Committee on **SB 300** and request the House to appoint a like committee. Motion carried. President Blasdel appointed:

3/31/2021

Senator Glimm, Chair
Senator Sands
Senator Vance

Senator Jacobson moved to change his third-reading vote on **SB 211** from Yes to No, and further moved to change his third-reading vote on **HB 231** from Yes to No. Without objection, so ordered.

Senator Molnar moved that **SB 390** be taken from the Taxation Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Flowers, Friedel, Glimm, Howard, Jacobson, Keenan, Lynch, McClafferty, McGillvray, Molnar, Morigeau, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel.

Total 21

Nays: Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Gauthier, Gillespie, Hertz, Hinebauch, Hoven, Kary, Lang, Manzella, McNally, O'Brien, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Webber, Welborn, Mr. President.
Total 28

Voted absentee: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, April 1, 2021, the sixty-fourth legislative day. Motion carried.

Senate adjourned at 2:12 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SIXTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 1, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/1/2021
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the fifty-sixth through the sixtieth legislative days, find the same to be correct.

Correctly printed: **SB 86**, **SB 376**, **SR 88**, **SR 91**, **SR 94**, **HB 8**, **HB 170**, **HB 201**, **HB 258**, **HB 264**, **HB 298**, **HB 302**, **HB 382**, **HB 391**, **HB 394**, **HB 465**, **HB 586**, **HB 589**, **HB 598**, **HB 616**.
Correctly engrossed: **SB 384**, **SB 392**, **HB 555**, **HJ 4**.
Correctly enrolled: **SB 33**, **SB 43**, **SB 55**, **SB 98**, **SB 135**, **SB 156**, **SB 171**, **SB 178**, **SB 217**, **SB 222**, **SJ 9**, **SR 38**, **SR 84**, **SR 87**, **SR 89**.
Examined by the sponsor and found to be correct: **SB 33**, **SB 43**, **SB 55**, **SB 98**, **SB 135**, **SB 156**, **SB 171**, **SB 178**, **SB 217**, **SB 222**, **SJ 9**, **SR 38**, **SR 84**, **SR 87**, **SR 89**.
Transmitted to the House: **HB 57**, **HB 66**, **HB 231**, **HB 280**, **HB 407**, **HB 482**, **HB 558**, **HB 609**.
Signed by the Secretary of the Senate at 4:15 p.m., March 30, 2021: **SB 131**, **SB 161**.
Signed by the Secretary of the Senate at 11:30 a.m., March 31, 2021: **SB 339**.
Signed by the President at 6:15 a.m., April 1, 2021: **SB 131**, **SB 161**, **SB 339**.
Signed by the Speaker at 3:11 p.m., April 1, 2021: **SB 131**, **SB 161**, **SB 339**.
Delivered to the Governor for signature at 4:20 p.m., April 1, 2021: **SB 131**, **SB 161**, **SB 339**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/1/2021
SB 396, do pass.
SB 398, do pass.
HB 525, be concurred in.

JUDICIARY (Regier, Chair): 3/31/2021
HB 92, be amended as follows:

1. Page 1, line 19.
Following: "commit;"
Strike: "and"

2. Page 2, line 20.
Following: "STATE"
Strike: "OR FEDERAL"

3. Page 2, line 23.
Following: "STATE"
Strike: "OR FEDERAL"

4. Page 3, line 11.
Strike: "CLEAR AND CONVINCING"
Insert: "a preponderance of the"

5. Page 4, line 8.
Following: "STATE"
Strike: "OR FEDERAL"

6. PAGE 7, LINE 5.
FOLLOWING: "EXCEPT"
Insert: "for other claims in state court"

7. PAGE 7, LINE 10 THROUGH LINE 11.
FOLLOWING: "AGREEMENT"
STRIKE: ", LESS" ON LINE 10 THROUGH "AGREEMENT," ON LINE 11

8. PAGE 7, LINE 15.
FOLLOWING: "EXCEPT"
Insert: "for other claims in state court"

9. PAGE 7, LINE 19 THROUGH LINE 21.
FOLLOWING: "[SECTION 5]"
STRIKE: ", LESS" ON LINE 19 THROUGH "AGREEMENT" ON LINE 21

And, as amended, be concurred in.

LOCAL GOVERNMENT (Gauthier, Chair): 3/31/2021
SB 403, do pass.
HB 450, be amended as follows:

1. Title, line 6.
Following: "REGULATIONS;"
Insert: "PROVIDING ADDITIONAL REQUIREMENTS FOR COURT-ORDERED DIVISIONS OF LAND;"

2. Page 1, line 18.
Strike: "(4)"
Insert: "(6)"

3. Page 2.
Following: line 1
Insert: "(3) Except as provided in subsection (4), if a court of record orders a division of land under subsection (1)(a) that distributes real property as a result of the dissolution of a business entity, the court may:

(a) divide the real property according to the percentages of ownership of the business entity being dissolved;
(b) if more than one lot exists, divide each lot according to the percentages of ownership of the business entity being dissolved; and
(c) combine adjacent lots under the ownership of the business entity being dissolved and divide the aggregated lots by percentage of ownership.
(4) A court may not:
(a) approve a division of land as allowed in subsection (3) that creates more lots than persons receiving property; or
(b) authorize the division of land into a subdivision unless the subdivision has met the requirements of Title 76, chapter 3, parts 5 and 6, and chapter 4."
Renumber: subsequent subsections

4. Page 2, line 9.
Strike: "(5)"
Insert: "(7)"

5. Page 2, line 11.
Strike: "(4)(b)"
Insert: "(6)(b)"

And, as amended, be concurred in.

HB 527, be amended as follows:

1. Title, line 5 through line 7.
Strike: "REQUIRING" on line 5 through "DISTRICT;" on line 7

2. Title, line 9 through line 11.
Following: "COMMISSIONERS;" on line 9
Insert: "PROHIBITING ZONING REGULATIONS FROM REGULATING MINERALS OR MINERAL RIGHTS;"
Strike: "PROVIDING" on line 9 through "OWNERS;" on line 11

3. Title, line 11.
Strike: "SECTION"
Insert: "SECTIONS"

4. Title, line 11.
Following: "76-2-101"
Insert: ", 76-2-109, AND 82-11-112"

5. Page 1, line 17.
Following: "(1)"
Strike: "(a)"

6. Page 1, line 22 through line 25.
Strike: subsection (b) in its entirety

7. Page 2, line 17 through line 19.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections

8. Page 2, line 21.
Following: "be"
Strike: "substantially"

9. Page 2.
Following: line 23
Insert: "**Section 2.** Section 76-2-109, MCA, is amended to read:

"**76-2-109. Effect on natural resources.** (1) ~~No planning district or recommendations~~ Regulations adopted under this part ~~shall~~ may not regulate lands used for grazing, horticulture, agriculture, ~~or~~ the growing of timber, or the complete use, development, or recovery of any mineral.

(2) (a) A provision of this part may not be construed to alter law regarding the primacy of the mineral estate, to limit access to the mineral estate, or to limit development of the mineral estate.

(b) A resolution or rule adopted pursuant to the provisions of this part may not prevent the complete use, development, or recovery of any mineral that is under the jurisdiction of the board of oil and gas conservation pursuant to Title 82, chapter 11, part 1.""

Insert: "**Section 3.** Section 82-11-112, MCA, is amended to read:

"**82-11-112. Intergovernmental cooperation.** ~~The~~ Subject to 76-2-109, the board may cooperate with any other state, interstate, or federal agency and other governmental agencies of the state to effect the objects and purposes of this chapter and expend such funds as may be reasonably necessary in connection therewith.""

Renumber: subsequent sections

And, as amended, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/31/2021
SB 377, do pass.
HB 90, be amended as follows:

1. Page 1, line 14.
Following: "whether"
Insert: "there is probable cause"

2. Page 3, line 22.
Following: "filed"
Insert: "in accordance with 41-3-422"

And, as amended, be concurred in.

HB 477, be concurred in.
HB 502, be amended as follows:

1. Page 2, line 21.

Following: "adopted"
Insert: ", provided that the attorney or health care provider shall also provide an expectant parent and prospective adoptive parent with a list of agencies licensed to assist with adoption support services and counseling"

And, as amended, be concurred in.

HB 503, be amended as follows:

1. Page 3, line 18.
Following: "hearing"
Insert: "within 5 days"

2. Page 3, line 19.
Following: "hearing"
Insert: "within 20 days"

3. Page 3, line 19.
Following: "hearings;"
Strike: "and"

4. Page 3.
Following: line 19
Insert: "(c) provide contact information for the social worker, the social worker's supervisor, and the office of state public defender; and"

5. Page 3, line 20.
Following: "(c)"
Insert: "(d)"

6. Page 3, line 21.
Following: the first "person"
Insert: ":
(i) has the right to receive a copy of the affidavit as provided in subsection (6);
(ii) has the right to attend and participate in an emergency protective services hearing, if one is requested, and the show-cause hearing, including providing statements to the judge;
(iii)"

7. Page 3, line 22.
Following: "services"
Insert: "; and
(iv) may request that the child be placed in a kinship foster home as defined in 52-2-602"

And, as amended, be concurred in.

STATE ADMINISTRATION (Kary, Chair): 3/31/2021
HJ 8, be concurred in.
HJ 9, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 20**
Report No. 002, April 1, 2021

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 20** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 20** (reference copy -- salmon) be amended as follows:

1. Page 1, line 14.
Following: "available"
Insert: "for service at all times"

2. Page 1, line 26.
Following: "pilot"
Insert: "or an airplane passenger"

3. Page 2, line 6.
Following: "service"
Insert: "at all times"

For the Senate:

Vance, Chair
Ellsworth
Sands

For the House:

Beard, Vice Chair
Berglee
Harvey

Without objection, the select committee report was adopted.

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bill concurred in: 3/31/2021

HB 223, introduced by B. Mercer

HB 14, introduced by M. Hopkins, requiring adoption by an affirmative roll call vote of two-thirds of each house of the Legislature, passed the House and was transmitted to the Senate with the following vote: 3/31/2021

Yeas - 92 Nays - 5

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 14, introduced by M. Hopkins (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sands in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 74 - Senator Kary moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 74**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 88 - Senator Hinebauch moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 88**.

SR 88 - Senator Cohenour moved **SR 88**, second reading copy, be amended as follows:

1. Page 1, line 12.
Strike: "Patrick Tabor, Whitefish, Montana, appointed to a term ending January 1, 2025."

Amendment **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 22

Nays: Ankney, Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 28

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 88 - Thereupon, the Senate reverted to the original motion of Senator Hinebauch which passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 22 - Senator McClafferty moved **SJ 22** do pass. Motion carried as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Glimm, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Webber.
Total 30

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Friedel, Gillespie, Hertz, Kary, Lang, Manzella, McGillvray, Osmundson, Regier K, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 374 - Majority Leader Smith moved **SB 374** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 378 - Senator Fitzpatrick moved **SB 378** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Cuffe, Hinebauch, Howard, Keenan, McGillvray, Sales, Smith C, Tempel.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 15 - Senator Cohenour moved **HJ 15** be concurred in. Motion **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 23

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 27

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 15 - Majority Leader Smith moved **HJ 15** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 574 - Senator McGillvray moved **HB 574** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 333 - Senator Molnar moved **SB 333** do pass.

SB 333 - Senator Molnar moved **SB 333**, second reading copy, be amended as follows:

1. Page 2, line 1.
Following: "$50,000"
Insert: "from the account in 30-14-143"

2. Page 2, line 7.
Strike: "justice"
Insert: "transportation"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 333 - As amended, **SB 333** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau,

O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Boldman, Cuffe, Kary, Osmundson, Sweeney.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 354 - **House Amendments** - Senator Hinebauch moved House amendments to **SB 354** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 463 - Senator McGillvray moved **HB 463** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 451 - Senator Brown moved **HB 451** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 47

Nays: Cuffe, Glimm, Vance.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 480 - Senator Esp moved **HB 480** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 155 - Senator McGillvray moved **HB 155** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

President Blasdel assumed the chair.

HJ 19 - Senator Sands moved **HJ 19** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Sands moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien,

Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 44

Nays: Boland, Cohenour, Gross, McClafferty, Pomnichowski, Webber.
Total 6

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 112 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 201 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber, Welborn.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 258 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 298 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 382 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Webber.
Total 32

Nays: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Glimm, Hertz, Howard, Kary, Keenan, Lang, Osmundson, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 394 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Morigeau.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 589 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch,

Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 616 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/1/2021
SB 232, do pass.
SB 285, do pass.
SB 336, do pass.

JUDICIARY (Regier, Chair): 4/1/2021
SB 402, do pass.
HB 244, be concurred in.

LOCAL GOVERNMENT (Gauthier, Chair): 4/1/2021
SB 385, introduced bill, be amended as follows:

1. Title, line 7 through line 9.
Strike: "LIMITING" on line 7 through "LOANS;" on line 9

2. Page 8, line 27.
Strike: "subject to subsection (6),"
Insert: "whether the levy is permanent or"

3. Page 9, line 13 through line 18.
Strike: subsection (6) in its entirety
And, as amended, do pass.

SB 388, introduced bill, be amended as follows:

1. Title, line 8.
Following: "OF A"
Insert: "FUTURE"

2. Title, line 9.
Following: "7-15-4288,"
Insert: "AND"
Following: "7-15-4292,"
Strike: "AND 7-15-4324,"

3. Page 3, line 9.
Following: "systems"
Strike: ","
Insert: "including natural gas, electrical and"

4. Page 3, line 9.
Strike: "systems"
Insert: "lines"

5. Page 3, line 10.
Following: "housing,"
Insert: "streets,"

6. Page 4, line 17.
Following: "subsections (2)(b)"
Insert: ", (2)(c),"

7. Page 4, line 21.
Strike: "The"
Insert: "For targeted economic development districts in existence prior to July 1, 2021, and urban renewal areas, the combined mill rates used to calculate the tax increment may not include mill rates for:
(i) the university system mills levied pursuant to 15-10-109 and 20-25-439; and

(ii) a new mill levy approved by voters as provided in 15-10-425 after the adoption of a tax increment provision.
(c) For targeted economic development districts created after June 30, 2021, the"

9. Page 7, line 1.
Strike: ", but in no event may"
Insert: ". For targeted economic development districts created after June 30, 2021,"

10. Page 7, line 2.
Following: "bonds"
Insert: "may not"

11. Page 7, line 2.
Strike: "20"
Insert: "25"

12. Page 7, line 25 through page 8, line 10.
Strike: section 6 in its entirety
Renumber: subsequent sections

And, as amended, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/31/2021
HB 334, be amended as follows:

1. Page 3, line 10 through line 13.
Strike: subsection (c) in its entirety
Insert: "(c) The medical exemption statement must be signed by a person who:
(i) is licensed, certified, or otherwise authorized by the laws of any state or Canada to provide health care as defined in 50-16-504;
(ii) is authorized within the person's scope of practice to administer the immunizations to which the exemption applies; and"

2. Page 3, line 14.
Strike: "(i)"
Insert: "(iii) has"
Following: "exemption"
Strike: ";"

3. Page 3, line 15.
Strike: "(ii)"
Insert: "has"

4. Page 3, line 15.
Following: "person"
Insert: "seeking an exemption"

And, as amended, be concurred in.

TAXATION (Hoven, Chair): 4/1/2021
SB 399, introduced bill, be amended as follows:

1. Title, line 17.
Following: "15-31-162,"
Insert: "15-31-163,"

2. Title, line 18.
Following: "15-32-106,"
Insert: "15-32-610,"

3. Title, line 24.
Following: "15-30-2326,"
Strike: "15-30-2342,"

4. Title, line 25.
Following: "15-31-137,"
Strike: "15-31-151,"

5. Title, line 25 through line 26.
Strike: "15-31-163,"

6. Title, line 28 through page 2, line 1.
Following: "15-32-510," on line 28
Strike: remainder of line 28 through "15-32-611," on page 2, line 1

7. Page 3, line 12.
Strike: "(3)(l)"
Insert: "(3)(m)"

8. Page 4, line 26.
Following: "deducted;"
Strike: "and"

9. Page 5, line 1.
Following: "income"
Insert: "; and
(m) the amount of the gain recognized from the sale or exchange of a mobile home park as provided in 15-31-163"

10. Page 11, line 13.
Strike: "2022"
Insert: "2021"

11. Page 21, line 21.
Following: "17-6-316;"
Strike: "and"

12. Page 21, line 23.

Following: "15-31-162"
Insert: "; and
(c) the credit for property to recycle or manufacture using recycled material provided for in Title 15, chapter 32, part 6"

13. Page 21, line 24.
Strike: "credit for unlocking state lands provided for in 15-30-2380"
Insert: "following tax credits"

14. Page 21, line 25.
Following: "2025~~:~~"
Insert: ":"

15. Page 22, line 3.
Following: "~~in 15-30-2380~~"
Insert: "(a) the credit for preservation of historic buildings provided for in 15-30-2342 and 15-31-151; and
(b) the credit for unlocking state lands provided for in 15-30-2380"

16. Page 42.
Following: line 6
Insert: "**Section 28.** Section 15-31-163, MCA, is amended to read:

"**15-31-163. Capital gain exclusion from sale of mobile home park.** (1) The following amount of the gain recognized from the sale or exchange of a mobile home park as defined in 70-33-103 is excluded from ~~adjusted gross~~ Montana taxable income or gross income under chapter 30 or 31:

(a) 100% of the recognized gain for a mobile home park with 50 or fewer lots; or

(b) 50% of the recognized gain for a mobile home park with more than 50 lots.

(2) To qualify for the exclusion under this section, the sale must be made to:

(a) a tenants' association or a mobile home park residents' association;

(b) a nonprofit organization under section 501(c)(3) of the Internal Revenue Code that purchases a mobile home park on behalf of tenants' association or mobile home park residents' association;

(c) a county housing authority created under Title 7, chapter 15, part 21; or

(d) a municipal housing authority created under Title 7, chapter 15, parts 44 and 45.

(3) A corporation, an individual, a partnership, an S. corporation, or a disregarded entity qualifies for the exclusion under this section. If the exclusion allowed under this section is taken by a partnership, an S. corporation, or a disregarded entity, the exclusion must be attributed to shareholders, partners, or other owners using the same proportion used to report the partnership's, S. corporation's, or disregarded entity's income or loss for Montana income tax purposes.

(4) For the purpose of this section, "tenants' association" or "mobile home park residents' association" means a group of six or more tenants who reside in a mobile home park, have organized for the purpose of eventual purchase of the mobile home park, have established bylaws of the association, and have obtained the approval by vote of at least 51% of the residents of the mobile home park to purchase the mobile home park.

(5) Property subject to an income or corporate tax exclusion under this section is not eligible for a property tax exemption under Title 15, chapter 6, part 2, while the property is used as a mobile home park.""

Renumber: subsequent sections

17. Page 45.
Following: line 10
Insert: "**Section 32.** Section 15-32-610, MCA, is amended to read:
"**15-32-610. Deduction for purchase of recycled material.** In addition to all other deductions from ~~adjusted gross individual~~ Montana taxable income allowed in computing taxable income under Title 15, chapter 30, or from gross corporate income allowed in computing net income under Title 15, chapter 31, part 1, a taxpayer may deduct an additional amount equal to 10% of the taxpayer's expenditures for the purchase of recycled material that was otherwise deductible by the taxpayer as business-related expense in Montana.""
Renumber: subsequent sections

18. Page 92, line 21.
Strike: "15-30-2342. Credit for preservation of historic buildings."

19. Page 93, line 5.
Strike: "15-31-151. Credit for preservation of historic buildings."

20. Page 93, line 6.
Strike: "15-31-163. Capital gain exclusion from sale of mobile home park."

21. Page 94, line 1 through line 8.
Strike: line 1 through line 8 in their entirety

And, as amended, do pass.

Without objection, committee reports were adopted.

MOTIONS

Majority Leader Smith moved **SB 333**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved to appoint a Free Conference Committee on **SB 354** and request the House to appoint a like committee. Motion carried. President Blasdel appointed:

4/1/2021

Senator Hinebauch, Chair
Senator Fitzpatrick
Senator McClafferty

Senator Hoven moved to take **SB 387** from the State Administration Committee and place it on second reading the sixty-fifth legislative day. Motion **failed** as follows:

Yeas: Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, Molnar, Regier K, Salomon, Smith C, Mr. President. Total 20

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Friedel, Gross, Jacobson, Kary, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn.
Total 30

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hertz moved to take **SB 397** from the Local Government Committee and place it on second reading the sixty-fifth legislative day. Motion **failed** as follows:

Yeas: Boldman, Brown, Ellsworth, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Jacobson, Keenan, Lynch, Manzella, McGillvray, Morigeau, Regier K, Salomon, Smith C, Sweeney, Mr. President.
Total 21

Nays: Ankney, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Flowers, Fox, Gillespie, Gross, Howard, Kary, Lang, McClafferty, McNally, Molnar, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Sands, Small, Tempel, Vance, Webber, Welborn.
Total 29

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/31/2021
HB 158, be amended as follows:

1. Page 2, line 15 through line 16.
Strike: "USING" on line 15 through "RESOURCES" on line 16

And, as amended, be concurred in.

HB 276, be amended as follows:

1. Page 2.
Following: line 11

Insert: "COORDINATION SECTION. **Section 3. Coordination instruction.** If House Bill No. 477 and [this act] are passed and approved and if both contain a section that amends 2-15-1744, then the sections amending 2-15-1744 are void and 2-15-1744 must be amended as follows:

"**2-15-1744. Board of behavioral health.** (1) (a) The governor shall appoint, with the consent of the senate, a board of behavioral health consisting of nine members.

(b) ~~Three~~Two members must be licensed social workers, and ~~three~~ two must be licensed professional counselors. ~~At least one of these members who is licensed as a social worker or professional counselor must also be licensed as a marriage and family therapist.~~

(c) One member must be appointed from and represent the general public and may not be engaged in social work.

(d) Two members must be licensed addiction counselors.

(e) One member must be a certified behavioral peer support specialist.

(f) One member must be a licensed marriage and family therapist.

(2) The board is allocated to the department for administrative purposes only as provided in 2-15-121.

(3) Members shall serve staggered 4-year terms.""

And, as amended, be concurred in.

Without objection, committee reports were adopted.

SPECIAL ORDERS OF THE DAY

Senator Glimm thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, April 6, 2021, the sixty-fifth legislative day. Motion carried.

Senate adjourned at 2:51 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SIXTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 6, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator McClafferty excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/6/2021

Correctly printed: **SB 232**, **SB 285**, **SB 336**, **SB 374**, **SB 377**, **SB 378**, **SB 395**, **SB 396**, **SB 398**, **SB 402**, **SB 403**, **SJ 22**, **SR 74**, **SR 88**, **HB 155**, **HB 244**, **HB 451**, **HB 463**, **HB 477**, **HB 480**, **HB 525**, **HB 574**, **HJ 8**, **HJ 9**, **HJ 19**.
Correctly engrossed: **SB 323**, **SB 333**, **SB 379**, **SB 385**, **SB 388**, **SB 399**, **HB 2**, **HB 90**, **HB 92**, **HB 158**, **HB 276**, **HB 334**, **HB 448**, **HB 450**, **HB 479**, **HB 502**, **HB 503**, **HB 527**, **HB 539**.
Correctly enrolled: **SB 20**, **SB 49**, **SB 57**, **SB 72**, **SB 91**, **SB 168**, **SB 169**, **SB 175**, **SB 196**, **SB 211**, **SB 230**, **SB 240**, **SB 248**, **SB 267**, **SB 275**, **SJ 15**, **SR 90**, **SR 91**, **SR 94**.
Examined by the sponsor and found to be correct: **SB 20**, **SB 49**, **SB 57**, **SB 72**, **SB 91**, **SB 168**, **SB 175**, **SB 240**, **SB 248**, **SB 267**, **SB 275**, **SJ 15**, **SR 90**.
Transmitted to the House: **HB 112**, **HB 201**, **HB 258**, **HB 298**, **HB 382**, **HB 394**, **HB 589**, **HB 616**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/6/2021
SB 395, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/1/2021
SB 379, introduced bill, be amended as follows:

1. Page 2, line 1.
Following: "(1)"
Insert: "(a)"

2. Page 2, line 2.
Strike: "shall"
Insert: "may"

3. Page 2, line 4.
Following: "unit"
Strike: ", that acquires"
Insert: "to acquire"

4. Page 2, line 4.
Following: "interest in"
Strike: ","

5. Page 2, line 4.
Strike: "enters"
Insert: "to enter"

6. Page 2, line 5.
Following: "act]"
Insert: ".
(b) If the commission allows a utility to acquire an additional equity interest in or to enter into a lease or a power purchase agreement, the commission shall allow the utility"

7. Page 2, line 7.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

8. Page 2, line 7.
Strike: "its"
Insert: "an"

9. Page 2, line 7.
Following: "interest"
Insert: "acquired"

10. Page 2, line 7 through line 8.
Strike: "that" on line 7 through "prior to" on line 8
Insert: "after"

11. Page 2, line 10 through line 11.
Strike: "existed" on line 10 through "ownership or" on line 11

12. Page 2, line 13.
Strike: "rate of return must be"
Insert: "commission must determine the rate of return"

13. Page 2, line 14.
Strike: "calculated to equal"
Insert: "according to"

And, as amended, do pass.

HB 448, be amended as follows:

1. Page 3, line 26.
Following: "(19)"
Insert: "(a)"

2. Page 3, line 27.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

3. Page 3, line 28.
Following: "CUSTOMERS,"
STRIKE: "OR"

4. PAGE 4, LINE 1.
STRIKE: "350"
INSERT: "100"

5. PAGE 4, LINE 1.
FOLLOWING: "CUSTOMERS"
Insert: ", or not more than 350 kilowatts for government-owned facilities"

6. Page 4, line 3.
Following: "facilities;"
Strike: "and"

7. Page 4, line 4.
Strike: "."
Insert: ";"

8. Page 4.
Following: line 4
Insert: "(vi) is tested annually and certified for the full functionality of all systems, in accordance with the current national electrical code; and
(vii) employs a qualified, onsite employee who:
(A) during a known power outage, is responsible for conducting an onsite inspection of the system and confirming that the system is disconnected from power and locked out during the outage;
(B) must contact the relevant grid dispatch center to verify the system is off the grid prior to standard maintenance or in the event of an outage; and
(C) must be compensated at the standard prevailing rate of wages as defined in 18-2-401.
(b) Customers using net metering systems under this part may not be subsidized by other utility customers who do not use net metering systems."

9. Page 6.
Following: line 13
Insert: "NEW SECTION. **Section 2. {standard} Nonseverability.** It is the intent of the legislature that each part of [this act] is essentially dependent upon every other part, and if one part is held unconstitutional or invalid, all other parts are invalid."
Renumber: subsequent section

And, as amended, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 3/31/2021
HB 2, be amended as follows:

1. Page BP-2: .
Following: line 3
Insert: "NEW SECTION. **Section 8. Budget amendment eligibility**. If a state special revenue fund is specifically identified and referenced in [section 11] and eligible for budget amendments in the 2023 biennium, the base budget for the 2025 biennium will be established using the higher of the fiscal year 2023 biennium appropriation in House Bill No. 2 or the fiscal year 2022 actual expenditure level to include expenditures associated with budget amendments as defined in Senate Bill No. 191."
Renumber: subsequent sections.

2. Page A-1:
Strike: Lines 24 through 25 in their entirety

3. Page A-1, line 5: .
Strike: "10,025,441 10,608,879" [General Fund FY22 FY23]
Insert: "10,223,417 10,986,583" [General Fund FY22 FY23]

4. Page A-1: .
Following: line 9
Insert: "c. Session System Replacement and Website Integration (OTO)"
Insert: "100,000 100,000" [General Fund FY22 FY23]
Insert: "d. Retirement Termination Payouts (OTO)"
Insert: "300,000" [General Fund FY22]

5. Page A-1, line 11: .
Strike: "1,069,352" [General Fund FY22]
Insert: "1,112,352" [General Fund FY22]

6. Page A-1, line 19: .
Strike: "2,853,644 2,909,980" [General Fund FY22 FY23]
Insert: "2,901,522 2,936,151" [General Fund FY22 FY23]

7. Page A-1: .

Following: line 19
Insert: "a. Additional Audit Requirements for HB 632 (OTO)"
Insert: "50,225 50,225" [State Special Fund FY22 FY23]

8. Page A-2, line 12:
Strike: "3,231,399 3,281,300" [General Fund FY22 FY23]
Insert: "3,287,176 3,337,208" [General Fund FY22 FY23]

9. Page A-3:
Strike: Lines 4 through 5 in their entirety
Strike: Lines 6 through 7 in their entirety
Strike: Lines 19 through 20 in their entirety

10. Page A-4, line 19:
Strike: "129,291 129,207" [Proprietary FY22 FY23]
Insert: "155,452 155,452" [Proprietary FY22 FY23]

11. Page A-4: .
Following: line 21
Insert: "b. Entitlement Share (OTO)"
Insert: "$482,000" [General Fund FY22]

12. Page A-5:
Strike: Lines 13 through 14 in their entirety

13. Page A-5, line 19:
Strike: "and proprietary fund of $26,161 in FY 2022 and $26,245 in FY 2023"

14. Page A-5: .
Following: line 20
Insert: "The Entitlement Share is contingent on the passage and approval of HB 678 with a section authorizing increased entitlement share base amounts for counties with large amounts of state-owned lands and adjusting the base entitlement share for the remaining counties and consolidated city-counties."

15. Page A-7:
Strike: Lines 3 through 4 in their entirety

16. Page A-7:
Strike: Lines 13 through 14 in their entirety

17. Page A-7, line 22:
Strike: "2,363,419 2,397,865" [General Fund FY22 FY23]
Insert: "2,437,073 2,471,654" [General Fund FY22 FY23]
Strike: "11,015,373 10,972,061" [State Special Fund FY22 FY23]

Insert: "2,263,533 2,220,319" [State Special Fund FY22 FY23]

18. Page A-8: .
Following: line 13
Insert: "4. Montana Heritage Commission (80)"
Insert: "Virginia and Nevada Cities (Restricted/Biennial)"
Insert: "600,000 600,000" [State Special Fund FY22 FY23]
Renumber: subsequent subsections

19. Page A-8, line 16:
Strike: "549,325 549,225" [Federal Special Fund FY22 FY23]
Insert: "600,000 600,000" [Federal Special Fund FY22 FY23]

20. Page A-8:
Strike: Lines 21 through 22 in their entirety

21. Page A-8: .
Strike: Lines 23 through 25 in their entirety

22. Page A-9, line 2:
Strike: "14,583,298 14,606,220" [State Special Fund FY22 FY23]
Insert: "13,833,298 13,856,220" [State Special Fund FY22 FY23]

23. Page A-9:
Strike: Lines 20 through 21 in their entirety

24. Page A-9:
Following: line 24
Insert: "The Montana Help Act special revenue fund in the Department of Labor and Industry is eligible to be amended under 17-7-402(1)(a)(xii), MCA, in the 2023 biennium budget."

25. Page A-10: .
Following: line 10
Insert: "b. Additional Operating Expenses (Restricted)"
Insert: "66,750 66,750" [General Fund FY22 FY23]
Insert: "200,250 200,250" [Federal Special Fund FY22 FY23]

26. Page A-11:
Strike: Lines 13 through 15 in their entirety

27. Page A-11: .
Following: line 18
Insert: "Additional Operating Expenses is contingent on the Department of Military Affairs reverting at least $133,500 in general fund for the 2021 biennium."

28. Page B-2, line 8:
Strike: "6,855,606 7,085,268" [General Fund FY22 FY23]
Insert: "7,056,441 7,281,538" [General Fund FY22 FY23]

29. Page B-2, line 16: .
Strike: "952,633 1,905,267" [General Fund FY22 FY23]
Insert: "1,905,267 3,810,534" [General Fund FY22 FY23]
Strike: "1,761,422 3,522,843" [Federal Special Fund FY22 FY23]
Insert: "3,522,843 7,045,686" [Federal Special Fund FY22 FY23]

30. Page B-3, line 5: .
Strike: "22,912,964 28,709,838" [Federal Special Fund FY22 FY23]
Insert: "23,296,688 29,093,867" [Federal Special Fund FY22 FY23]

31. Page B-3, line 9: .
Strike: "11,242,236 11,244,918" [State Special Fund FY22 FY23]
Insert: "11,240,717 11,243,398" [State Special Fund FY22 FY23]

32. Page B-3, line 17: .
Strike: "1,078,757 2,157,514" [General Fund FY22 FY23]
Insert: "2,157,514 4,315,028" [General Fund FY22 FY23]
Strike: "1,994,625 3,989,249" [Federal Special Fund FY22 FY23]
Insert: "3,989,250 7,978,498" [Federal Special Fund FY22 FY23]

33. Page B-4, line 6: .
Strike: "467,782 935,563" [General Fund FY22 FY23]
Insert: "935,563 1,871,126" [General Fund FY22 FY23]
Strike: "864,930 1,729,859" [Federal Special Fund FY22 FY23]
Insert: "1,729,859 3,459,718" [Federal Special Fund FY22 FY23]

34. Page B-4:
Strike: Lines 15 through 19 in their entirety

35. Page B-5, line 6: .
Strike: "LC 1790"
Insert: "HB 686"

36. Page B-5: .
Following: line 7
Insert: "For all line items in the Department of Public Health and Human Services that include the word “Medicaid” or “CHIP”, for each quarter in which the COVID-enhanced Federal Medical Assistance Percentage authorized by the “Families First Coronavirus Response Act” provides a 6.2 percentage points increase in federal funding, the department shall decrease: (1) general fund authority pursuant to 17-2-108(2); and (2) state special fund authority pursuant to 17-2-108(3). The combined decrease of general fund and state

special authority must equal the amount of the increased federal funding provided for by the 6.2 percentage points increase in Federal Medical Assistance Percentage. The department is authorized to establish a new appropriation to include both general fund and state special revenue equal to the amounts reduced pursuant to 17-2-108 for the first quarter of FY 2022, which serves as a contingency fund that may be used by the department for any use consistent with the goals and objectives of the agency in the biennium. This new appropriation must be established as biennial and one-time-only."

37. Page C-1, line 9:
Strike: "14,833,938 14,878,802" [State Special Fund FY22 FY23]
Insert: "13,833,938 13,878,802" [State Special Fund FY22 FY23]

38. Page C-1, line 19:
Strike: "15,609,047 15,647,327" [State Special Fund FY22 FY23]
Insert: "13,759,047 13,797,327" [State Special Fund FY22 FY23]

39. Page C-2, line 11:
Strike: "18,430,205 18,466,464" [State Special Fund FY22 FY23]
Insert: "17,719,524 17,756,909" [State Special Fund FY22 FY23]
Strike: "621,761 622,662" [Federal Special Fund FY22 FY23]
Insert: "750,064 751,364" [Federal Special Fund FY22 FY23]

40. Page C-2:
Strike: Line 20 through 21 in their entirety

41. Page C-2:
Strike: Lines 24 through 26 in their entirety

42. Page C-2:
Following: line 26
Insert: "The General License Account, Aquatic Invasive Species, and the Hunting Access state special revenue funds in the Department of Fish, Wildlife, and Parks are eligible to be amended under 17-7-402(1)(a)(xii), MCA, in the 2023 biennium budget."

43. Page C-3, line 4:
Strike: "802,742 813,125" [General Fund FY22 FY23]
Insert: "837,179 847,650" [General Fund FY22 FY23]
Strike: "3,098,843 3,101,100" [State Special Fund FY22 FY23]
Insert: "2,758,251 2,761,005" [State Special Fund FY22 FY23]
Strike: "620,943 623,860" [Federal Special Fund FY22 FY23]
Insert: "709,518 712,682" [Federal Special Fund FY22 FY23]

44. Page C-3, line 8:
Strike: "14,365,334 14,388,848" [State Special Fund FY22 FY23]
Insert: "12,865,334 12,888,848" [State Special Fund FY22 FY23]

45. Page C-3, line 12:
Strike: "11,904,569 11,925,898" [State Special Fund FY22 FY23]
Insert: "9,654,569 9,675,898" [State Special Fund FY22 FY23]

46. Page C-4:
Strike: Lines 1 through 3 in their entirety

47. Page C-4:
Following: line 3
Insert: "The Hard Rock Mining Reclamation, Air Quality Operating Fees, Petroleum Storage Tank Cleanup, Junk Vehicle Disposal, Environmental Quality Protection, and the Major Facility Siting state special revenue funds in the Department of Environmental Quality are eligible to be amended under 17-7-402(1)(a)(xii), MCA, in the 2023 biennium budget."

48. Page C-4, line 18:
Strike: "133,394,730 133,678,343" [State Special Fund FY22 FY23]
Insert: "135,104,044 135,391,799" [State Special Fund FY22 FY23]
Strike: "8,081,261 8,082,641" [Federal Special Fund FY22 FY23]
Insert: "8,969,540 8,973,763" [Federal Special Fund FY22 FY23]

49. Page C-5:
Strike: Lines 6 through 8 in their entirety

50. Page C-5, line 21:
Strike: "2,981,572 3,044,546" [General Fund FY22 FY23]
Insert: "3,000,805 3,063,845" [General Fund FY22 FY23]
Strike: "2,102,073 2,105,933" [State Special Fund FY22 FY23]
Insert: "2,171,582 2,175,133" [State Special Fund FY22 FY23]
Strike: "1,977,276 1,981,500" [Federal Special Fund FY22 FY23]
Insert: "1,988,699 1,992,962" [Federal Special Fund FY22 FY23]

51. Page C-5:
Following: line 25
Insert: "c. Cooperative Interstate Shipping Program (Restricted/OTO)"
Insert: "80,000 80,000" [General Fund FY22 FY23]
Insert: "120,000 120,000" [Federal Special Fund FY22 FY23]

52. Page C-6:
Strike: Lines 7 through 9 in their entirety

53. Page C-6, line 14:
Strike: "4,300,720 4,374,226" [General Fund FY22 FY23]
Insert: "4,538,779 4,612,908" [General Fund FY22 FY23]
Strike: "3,253,422 3,247,753" [State Special Fund FY22 FY23]
Insert: "3,474,026 3,468,893" [State Special Fund FY22 FY23]

Strike: "28,562 27,881" [Federal Special Fund FY22 FY23]
Insert: "32,502 31,833" [Federal Special Fund FY22 FY23]

54. Page C-6, line 20:
Strike: "10,499,452 10,502,834" [State Special Fund FY22 FY23]
Insert: " 8,374,452 8,377,834" [State Special Fund FY22 FY23]

55. Page C-6:
Following: line 20
Insert: "a. Conservation District AIS Check Stations (Restricted)"
Insert: "100,000 100,000" [State Special Fund FY22 FY23]
Insert: "b. Lake Elmo Restoration (Restricted/OTO)"
Insert: "50,000 50,000" [State Special Fund FY22 F23]

56. Page C-6, line 22:
Strike: "11,007,399 11,483,245" [General Fund FY22 FY23]
Insert: "11,028,238 11,504,237" [General Fund FY22 FY23]
Strike: "8,375,255 8,378,452" [State Special Fund FY22 FY23]
Insert: "8,381,578 8,384,880" [State Special Fund FY22 FY23]
Strike: "279,873 280,158" [Federal Special Fund FY22 FY23]
Insert: "279,938 280,227" [Federal Special Fund FY22 FY23]

57. Page C-7:
Strike: Lines 16 through 17 in their entirety
Strike: Lines 22 through 25 in their entirety

58. Page C-7:
Strike: Lines 26 through 27 in their entirety

59. Page C-8:
Strike: Line 1 in its entirety

60. Page C-8: .
Following: line 1
Insert: "During the 2023 biennium, the department is authorized to decrease federal special revenue and increase state special revenue by a like amount in the Director's Office indirects account for amounts not included in but necessary to meet the intent of the decision package 2102 - DO Funding Shift."

61. Page C-8:
Following: line 1
Insert: "The RDB Proceeds, Coal Bed Methane Protection, Broadwater Irrigation, Forest Resources Forest Improvement, and the TLMD Trust Administration state special revenue funds in the Department of Natural Resources and Conservation are eligible to be amended under 17-7-402(1)(a)(xii), MCA, in the 2023 biennium budget."

62. Page C-8, line 6:
Strike: "240,834 245,540" [General Fund FY22 FY23]
Insert: "248,240 252,961" [General Fund FY22 FY23]
Strike: "1,367,370 1,370,421" [State Special Fund FY22 FY23]
Insert: "1,435,162 1,438,415" [State Special Fund FY22 FY23]
Strike: "128,571 127,682" [Federal Special Fund FY22 FY23]
Insert: "142,263 141,413" [Federal Special Fund FY22 FY23]
Strike: "134,382 134,639" [Proprietary FY22 FY23]
Insert: "138,297 138,561" [Proprietary FY22 FY23]

63. Page C-8:
Strike: Lines 21 through 23 in their entirety

64. Page D-1:
Following: line 13
Insert: "a. 11th Judicial District"
Insert: "233,138" [General Fund FY23]

65. Page D-1:
Following: line 24
Insert: "Funding for the judge and associated staff in the 11th Judicial District is contingent on the establishment of a treatment court in the 11th Judicial District by no later than January 1, 2023."

66. Page D-1:
Following: line 9
Insert: "c. Drug Treatment Courts"
Insert: "354,901" [State Special Fund FY23]

67. Page D-1:
Strike: Lines 21 through 22 in their entirety

68. Page D-1:
Following: line 24
Insert: "The funding for Drug Treatment Courts is contingent on implementation of the Corrections Institute of Cincinnati evidence-based evaluation protocols and the elimination of peer-reviewed evaluations."

69. Page D-2:
Following: line 5
Insert: "a. Montana Highway Patrol Boulder Campus"
Insert: "500,000 500,000" [General Fund FY22 FY23]

70. Page D-3.

Following: "line 7"
Insert: "The funding for the Montana Highway Patrol Boulder Campus is contingent on the passage and approval of HB 686 without an appropriation for the Boulder campus."

71. Page D-2, line 12: .
Strike: "3,152,478 3,164,461" [State Special Fund FY22 FY23]
Insert: "3,294,272 3,306,255" [State Special Fund FY22 FY23]
Strike: "1,483,066 1,488,753" [Proprietary FY22 FY23]
Insert: "1,341,272 1,346,959" [Proprietary FY22 FY23]

72. Page D-3:
Strike: Lines 1 through 3 in their entirety

73. Page D-3: .
Following: line 7
Insert: "The Department of Justice includes the Montana Board of Crime Control. The Montana Board of Crime Control is appropriated $1,956,193 in general fund in FY 2022 and $1,957,315 in FY 2023, $127,635 in state special revenue in FY 2022 and $127,670 in FY 2023, and $13,507,265 in federal special revenue in FY 2022 and $13,507,578 in FY 2023 supporting 17.50 FTE and $1,690,654 in personal services in FY 2022 and $1,694,849 in FY 2023, $1,016,318 in operating expenses in FY 2022 and $1,013,593 in FY 2023, $12,909 in equipment and intangible assets in FY 2022 and $12,909 in FY 2023, $9,985,395 in grants in FY 2022 and $9,985,395 in FY 2023, and $2,885,817 in transfers in FY 2022 and $2,885,817 in FY 2023 to comply with the requirements of SB 19."

74. Page D-5:
Strike: Lines 3 through 4 in their entirety

75. Page D-5, line 22: .
Strike: "112,190 112,191" [Proprietary FY22 FY23]
Insert: "146,117 142,869" [Proprietary FY22 FY23]

76. Page D-5, line 23:
Strike: "13,565,291 13,793,445" [General Fund FY22 FY23]
Insert: "16,136,999 16,400,333" [General Fund FY22 FY23]
Strike: "604,227 604,261" [State Special Fund FY22 FY23]
Insert: "603,785 603,410" [State Special Fund FY22 FY23]
Strike: "13,503,613 13,503,898" [Federal Special Fund FY22 FY23]
Insert: "13,513,988 13,514,301" [Federal Special Fund FY22 FY23]

77. Page D-6, line 4: .
Strike: "71,576,420 72,156,289" [General Fund FY22 FY23]
Insert: "72,842,854 73,408,078" [General Fund FY22 FY23]

78. Page D-6, line 4: .

Strike: "856,914 856,914" [State Special Fund FY22 FY23]
Insert: "1,123,962 1,123,976" [State Special Fund FY22 FY23]

79. Page D-6, line 8:
Strike: "1,240,142 1,240,142" [State Special Fund FY22 FY23]
Insert: "1,235,680 1,235,680" [State Special Fund FY22 FY23]

80. Page D-6, line 16: .
Strike: "25,572,950 25,857,511" [General Fund FY22 FY23]
Insert: "26,852,474 27,137,035" [General Fund FY22 FY23]

81. Page D-6, line 16:
Strike: "208,900 208,900" [State Special Fund FY22 FY23]
Insert: " 0 0" [State Special Fund FY22 FY23]

82. Page D-6, line 18: .
Strike: "1,202,540 1,199,826" [General Fund FY22 FY23]
Insert: "1,102,598 1,124,195" [General Fund FY22 FY23]

83. Page D-6, line 24 through line 25: .
Strike: "If, through the Legislative Audit Division process for establishing performance audits, a performance audit for the Department of Corrections is prioritized, the Legislative Audit Division shall contract with an educational organization that has developed audit tools that measure correctional programs content and capacity and that works with the Department of Corrections."
Insert: "If, through the Legislative Audit Division process for establishing performance audits, a performance audit for Department of Corrections evidence-based programs is prioritized, the Legislative Audit Division shall contract with an educational organization that has appropriate subject matter expertise to provide specialist services as part of the audit."

84. Page D-6:
Strike: Lines 26 through 27 in their entirety

85. Page D-7: .
Strike: Line 1 in its entirety

86. Page D-7:
Strike: Lines 13 through 15 in their entirety

87. Page D-7.
Following: line 15
Insert: "If HB 553 is not passed and approved, the Probation and Parole Division general fund is increased by $173,039 in FY 2022 and $162,889 in FY 2023 and the Department of Corrections may increase full-time equivalent positions authorized in HB 2 by 2.00 FTE."

88. Page D-7: .
Following: line 15
Insert: "The Department of Corrections Director's Office is reduced by $1,956,193 in general fund in FY 2022 and $1,957,315 in FY 2023, $127,635 in state special revenue in FY 2022 and $127,670 in FY 2023, and $13,507,265 in federal special revenue in FY 2022 and $13,507,578 in FY 2023 supporting 17.50 FTE and $1,690,654 in personal services in FY 2022 and $1,694,849 in FY 2023, $1,016,318 in operating expenses in FY 2022 and $1,013,593 in FY 2023, $12,909 in equipment and intangible assets in FY 2022 and $12,909 in FY 2023, $9,985,395 in grants in FY 2022 and $9,985,395 in FY 2023, and $2,885,817 in transfers in FY 2022 and $2,885,817 in FY 2023 to comply with the requirements of SB 19. "

89. Page D-7:
Following: line 15
Insert: "The Miscellaneous Fines and Fees state special revenue fund in the Department of Corrections is eligible to be amended under 17-7-402(1)(a)(xii), MCA, in the 2023 biennium budget."

90. Page E-1, line 21:
Strike: "784,680,739 822,655,779" [General Fund FY22 FY23]
Insert: "785,684,113 823,862,141" [General Fund FY22 FY23]

91. Page E-3:
Following: line 5
Insert: "w. State Lands Block Grants (Restricted/Biennial/OTO)"
Insert: "75,000 75,000" [General Fund FY22 FY23]
Insert: "x. Comprehensive School and Community Treatment (Restricted/OTO)"
Insert: "2,235,578" [General Fund FY22]
Insert: "8,942,230 10,958,252" [State Special Fund FY22 FY23]

92. Page E-3:
Following: line 8
Insert: "If HB 46 is passed and approved, the appropriation for Special Education becomes part of K-12 BASE Aid."

93. Page E-3:
Following: line 17
Insert: "Incentivize Increase in Starting Teacher Pay is part of K-12 BASE Aid."

94. Page E-3:
Strike: Lines 18 through 19 in their entirety

95. Page E-3:
Following: line 19
Insert: "If HB 303 is not passed and approved, K-12 BASE Aid is decreased by $1,040,828

general fund in FY 2022 and $1,244,592 general fund in FY 2023."

96. Page E-3: .
Strike: Line 20 in its entirety
Strike: Lines 23 through 26 in their entirety

97. Page E-4, line 22:
Strike: "1,768,033 1,831,957" [General Fund FY22 FY23]
Insert: "1,733,033 1,796,957" [General Fund FY22 FY23]
Insert: "a. Student Travel (OTO)
Insert: "35,000 35,000" [General Fund FY22 FY23]

98. Page E-4, line 24: .
Strike: "5,004,555 5,163,177" [General Fund FY22 FY23]
Insert: "4,977,617 5,136,239" [General Fund FY22 FY23]

Following: line 24
Insert: "a. Extra-Curricular Activities (OTO)"
Insert: "26,938 26,938" [General Fund FY22 FY23]

99. Page E-5:
Strike: Lines 11 through 12 in their entirety

100. Page E-6:
Strike: Lines 5 through 6 in their entirety

101. Page E-6, line 15: .
Strike: "1,016,155 1,043,380" [General Fund FY22 FY23]
Insert: "1,043,816 1,071,124" [General Fund FY22 FY23]
Strike: "97,894 97,959" [Federal Special Fund FY22 FY23]
Insert: "108,859 108,946" [Federal Special Fund FY22 FY23]
Strike: "206,277 206,275" [Proprietary FY22 FY23]
Insert: "206,290 206,288" [Proprietary FY22 FY23]

102. Page E-7:
Strike: Lines 5 through 6 in their entirety

103. Page E-7: .
Strike: Lines 7 through 9 in their entirety

104. Page E-7, line 14:
Strike: "3,658,184 3,718,524" [General Fund FY22 FY23]
Insert: "3,697,901 3,758,352" [General Fund FY22 FY23]

105. Page E-7, line 24:

Strike: "328,100 328,139" [State Special Fund FY22 FY23]
Insert: "329,563 329,604" [State Special Fund FY22 FY23]

106. Page E-7: .
Following: line 24
Insert: "a. Grow Your Own Teacher Grant Program (Restricted/Biennial/OTO)"
Insert: "250,000 250,000" [General Fund FY22 FY23]

107. Page E-8:
Following: line 14
Insert: "c. Teacher Education Programs (Restricted/Biennial/OTO)"
Insert: "250,000 750,000" [General Fund FY22 FY23]
Insert: "d. Workforce Recovery COVID-19 (Restricted/Biennial/OTO)"
Insert: "250,000 750,000" [General Fund FY22 FY23]
Insert: "e. Accelerate Montana (Restricted/Biennial/OTO)"
Insert: "500,000 1,500,000" [General Fund FY22 FY23]
Insert: "f. Cyber Hub (Restricted/Biennial/OTO)"
Insert: "375,000 1,125,000" [General Fund FY22 FY23]
Insert: "g. Center for Translational Medicine (Restricted/Biennial/OTO)"
Insert: "500,000 1,500,000" [General Fund FY22 FY23]

108. Page E-9, line 2:
Strike: "2,339,605 2,339,814" [Federal Special Fund FY22 FY23]
Insert: "2,354,425 2,354,659" [Federal Special Fund FY22 FY23]

109. Page E-10:
Strike: Lines 7 through 8 in their entirety
Strike: Lines 13 through 15 in their entirety

110. Page E-10: .
Following: line 18
Insert: "If HB 403 is not passed and approved, the appropriation for the Grow Your Own Teacher Grant Program is void."

And, as amended, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 4/1/2021
SB 323, introduced bill, be amended as follows:

1. Title, line 5.
Following: "PROPOSALS"
Insert: "BE PREPARED BY A QUALIFIED ENTITY IDENTIFIED BY THE BUDGET DIRECTOR"

2. Title, line 8.
Following: "ANALYSES;"

Insert: "PROVIDING FOR CONTINGENT VOIDNESS;"

3. Page 1, line 20.
Strike: "An agency"
Insert: "An entity qualified to give economic impact analyses that is selected by the budget director on or before [the effective date of this act],"

4. Page 1, line 21.
Following: "proposed."
Insert: "The selected entity shall provide the economic impact to the relevant agency."

5. Page 2, line 20.
Strike: "an"
Insert: "the"

6. Page 2, line 21.
Following: "committee"
Insert: "by the agency"

7. Page 2, line 28.
Strike: "agency or other person who"
Insert: "entity that"

8. Page 4.
Following: line 3
Insert: "NEW SECTION. **Section 5. Contingent voidness**. (1) If the budget director is unable to identify and secure an entity that meets the qualifications in this section on or before [the effective date of this act] to fulfill the duties of an economic impact provider in [this act], then [this act] is void. The entity must be:

(a) capable and qualified to give economic impact analyses for each rule proposed by each agency after [the effective date of this act] in perpetuity, such as the economics department of a college or university;

(b) located in Montana; and

(c) willing to provide economic impact statements for each proposed rule at no cost to the state.

(2) The budget director shall notify the code commissioner if the contingency in this section occurs."
Renumber: subsequent sections

And, as amended, do pass.

JUDICIARY (Regier, Chair): 4/1/2021
HB 479, be amended as follows:

1. Page 2, line 28 through page 3, line 2.

Strike: "(2) A law" on page 2, line 28 through "warrant" on page 3, line 2

2. Page 3, line 4.
Following: "subsection (2)(a)"
Strike: "."

3. Page 3, line 11.
Strike: "(3)"
Insert: "(2)"

4. Page 3, line 11.
Strike: "46-5-602"
Insert: "this section"

5. Page 3, line 14.
Strike: "(4)"
Insert: "(3)"

And, as amended, be concurred in.

HB 539, be amended as follows:

1. Title, line 5.
Following: "ATTORNEYS;"
Insert: "REVISING WHEN SPECIAL COUNSEL MAY BE EMPLOYED;"

2. Title, line 7 through line 9.
Following: "ATTORNEY;"
Strike: "REVISING" on line 7 through "GENERAL;" on line 9

3. Title, line 9.
Strike: "CONTENTS"
Insert: "TIMING"

4. Title, line 9.
Strike: "A REPORT"
Insert: "REPORTING TO"

5. Title, line 9 through line 10.
Strike: "SUBMITS" on line 9 through "LEGISLATURE" on line 10

6. Title, line 10.
Following: "SECTIONS"
Insert: "7-4-2705,"
Following: "41-3-202"

Insert: ","

7. Page 1.
Following: line 13
Insert: "**Section 1.** Section 7-4-2705, MCA, is amended to read:

"**7-4-2705. Employment of special counsel ~~in certain counties~~.** ~~Except in counties having a taxable valuation of $50 million or more, the~~ The board of county commissioners may employ or authorize the county attorney to employ special counsel to assist in the prosecution of any criminal case pending in the county or to represent the county in any civil action in which the county is a party." "
Renumber: subsequent sections

8. Page 4, line 27.
Strike: "the total cases reported"
Insert: ", for each report"

9. Page 4, line 28 through page 5, line 1.
Following: "enforcement" on line 28
Strike: remainder of line 28 through "reported" on page 5, line 1

10. Page 5, line 1.
Following: "reported~~:~~"
Insert: ":"

12. Page 5, line 6.
Following: "~~case~~"
Insert: "(a) a unique case identifier;
(b) the date that the initial report or allegation was received by the county attorney;
(c) the date of any decision to prosecute based on a report or investigation;
(d) the date of any decision to decline to prosecute based on a report or investigation; and
(e) if charges are filed against a defendant, any known outcomes of the case"

11. Page 5, line 9.
Strike: "number of"
Insert: "status of the"

12. Page 5, line 9.
Following: "reported"
Strike: "to and charged"

13. Page 5, line 10.
Following: "~~charged~~"
Insert: ", including data on the total number of cases reported, the number of cases declined for prosecution, and the number of cases charged"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 1, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Blasdel:

On Wednesday, March 31, 2021, I signed the following bills:

Senate Bill 82 - Fitzpatrick
Senate Bill 129 - Hertz
Senate Bill 133 - Hertz

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/1/2021

SB 215, introduced by C. Glimm
SB 226, introduced by S. Fitzpatrick
SB 247, introduced by E. Boldman
SB 277, introduced by T. McGillvray

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/1/2021

SB 106, introduced by W. Sales
SB 163, introduced by C. Glimm
SB 225, introduced by S. Fitzpatrick
SB 251, introduced by C. Smith

House bills passed and transmitted to the Senate for concurrence: 4/1/2021

HB 403, introduced by T. Running Wolf
HB 522, introduced by E. Buttrey
HB 632, introduced by F. Garner
HB 640, introduced by M. Hopkins
HB 655, introduced by E. Buttrey
HB 660, introduced by J. Kassmier
HB 669, introduced by E. Buttrey

HB 635, introduced by D. Skees, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 4/1/2021

Yeas - 63 Nays - 32

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 403, introduced by T. Running Wolf, J. Windy Boy, K. Abbott, J. Small, J. Fuller, D. Harvey, M. Weatherwax, M. Marler, R. Whiteman Pena, D. Hawk, S. Novak, referred to Education and Cultural Resources.
HB 522, introduced by E. Buttrey, S. Berglee, F. Garner, D. Bedey, A. Buckley, referred to State Administration.
HB 632, introduced by F. Garner, E. Buttrey, referred to Finance and Claims.
HB 635, introduced by D. Skees, referred to State Administration.
HB 640, introduced by M. Hopkins, referred to Business, Labor, and Economic Affairs.
HB 655, introduced by E. Buttrey, C. Smith, M. Blasdel, J. Hinkle, M. Noland, V. Ricci, F. Anderson, J. Ellsworth, K. Zolnikov, S. Galloway, S. Gist, referred to Business, Labor, and Economic Affairs.
HB 660, introduced by J. Kassmier, R. Osmundson, referred to Agriculture, Livestock and Irrigation.
HB 669, introduced by E. Buttrey, S. Fitzpatrick, F. Garner, R. Fitzgerald, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGillvray in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 377 - Majority Leader Smith moved consideration of **SB 377** be passed for the day. Without objection, so ordered.

HB 170 - Senator Small moved **HB 170** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Howard, O'Brien, Tempel.
Total 3

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No, made by Senator O'Brien under Motions.

SB 392 - Senator Vance moved **SB 392** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, Morigeau, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Welborn, Mr. President.
Total 41

Nays: Boland, Cohenour, Ellis, Gross, McNally, O'Brien, Pomnichowski, Tempel, Webber.
Total 9

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 384 - Senator Esp moved **SB 384** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 49

Nays: Welborn.
Total 1

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 403 - Senator Keenan moved **SB 403** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 399 - Senator Hertz moved **SB 399** do pass.

SB 399 - Senator Cohenour moved **SB 399**, second reading copy, be amended as follows:

1. Page 17, line 6.
Strike: "any"
Insert: "the next $59,000 of"

2. Page 17, line 6.
Following: "taxable income"
Strike: "in excess of $41,000"
Following: "6.5%"
Insert: ";
(iii) on any Montana taxable income in excess of $100,000 or any part of that income, 6.9%"

3. Page 17, line 9.
Strike: "any"
Insert: "the next $44,250 of"

4. Page 17, line 9.
Following: "taxable income"
Strike: "in excess of $30,750"
Following: "6.5%"
Insert: ";
(iii) on any Montana taxable income in excess of $75,000 or any part of that income, 6.9%"

5. Page 17, line 13.
Strike: "any"
Insert: "the next $29,500 of"

6. Page 17, line 13.
Following: "taxable income"
Strike: "in excess of $20,500"
Following: "6.5%"
Insert: ";
(iii) on any Montana taxable income in excess of $50,000 or any part of that income, 6.9%"

7. Page 17, line 17.
Strike: "any"
Insert: "the next $29,500 of"

8. Page 17, line 17.
Following: "taxable income"
Strike: "in excess of $20,500"
Following: "6.5%"
Insert: ";
(iii) on any Montana taxable income in excess of $50,000 or any part of that income, 6.9%"

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 19

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 31

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 399 - Senator O'Brien moved **SB 399**, second reading copy, be amended as follows:

1. Title, line 18.
Following: "15-31-1007,"
Strike: "15-32-104, 15-32-106,"

2. Title, line 24.
Following: "15-30-2301,"
Strike: "15-30-2319,"

3. Title, line 26.
Following: "15-31-171,"
Strike: "15-32-109,"

4. Page 20, line 27.
Following: "15-31-127;"
Strike: "and"

5. Page 21, line 2.
Following: "(d)"
Insert: "the credit for energy-conserving expenditures provided for in 15-30-2319 and 15-32-109; and
(e)"

6. Page 45, line 25 through page 46, line 11.
Strike: sections 30 and 31 in their entirety
Renumber: subsequent sections

7. Page 93, line 26.
Strike: line 26 in its entirety

8. Page 94.
Strike: line 17 in its entirety

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 399 - Senator O'Brien moved **SB 399**, second reading copy, be amended as follows:

1. Title, line 26.
Following: "15-32-115,"
Strike: "15-32-201, 15-32-202, 15-32-203,"

2. Page 20, line 27.
Following: "15-31-127;"
Strike: "and"

3. Page 21, line 2.
Following: "(d)"
Insert: "the credit for installing an alternative energy system provided for in 15-32-201 through 15-32-203; and
(e)"

4. Page 94, line 19 through line 21.
Strike: lines 19 through 21 in their entirety

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson,

Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 21

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 399 - Senator Cohenour moved **SB 399**, second reading copy, be amended as follows:

1. Title, line 24 through line 25.
Strike: "15-30-" on line 24 through "2364," on line 25

2. Page 22, line 16.
Following: "(a)"
Insert: "the adoption tax credit provided for in 15-30-2364;
(b)"
Renumber: subsequent subsections

3. Page 94, line 4.
Strike: line 4 in its entirety

Amendment **not** adopted as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 23

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 27

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 399 - Senator Pomnichowski moved **SB 399**, second reading copy, be amended as follows:

1. Page 3, line 12.
Strike: "(3)(m)"
Insert: "(3)(p)"

2. Page 5, line 1.
Following: "income;"
Strike: "and"

3. Page 5, line 3.
Following: "15-31-163"
Insert: ";
(n) the amount of unemployment compensation included in federal gross income under the provisions of section 85 of the Internal Revenue Code, 26 U.S.C. 85, as amended;
(o) all tips or gratuities that are covered by section 3402(k) or service charges that are covered by section 3401 of the Internal Revenue Code of 1954, 26 U.S.C. 3402(k) or 3401, as amended and applicable on January 1, 1983, received by a person for services rendered to patrons of premises licensed to provide food, beverage, or lodging; and
(p) all health insurance premiums paid by an employer for an employee if attributed as income to the employee under federal law"

4. Page 26, line 3.
Following: "(i)"
Insert: "tips and gratuities exempt from taxation under [section 1];
(ii) health insurance premiums attributed as income to an employee under federal law that are exempt from taxation under [section 1];
(iii) unemployment compensation, including supplemental unemployment compensation treated as wages under section 3402 of the Internal Revenue Code, 26 U.S.C. 3402, that is excluded from gross income as provided in 15-30-2101;
(iv)"
Renumber: subsequent subsections

Amendment **not** adopted as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 22

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 28

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 399 - Thereupon, the Senate reverted to the original motion of Senator Hertz which passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 396 - Senator Hoven moved **SB 396** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Glimm.

Total 1

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 385 - Majority Leader Smith moved consideration of **SB 385** be moved to the second agenda this date. Without objection, so ordered.

SB 388 - Senator Hertz moved **SB 388** do pass. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Mr. President.
Total 28

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber, Welborn.
Total 22

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 398 - Senator Ellsworth moved **SB 398** do pass. Motion **failed** as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, Osmundson, Small, Smith C, Vance, Mr. President.
Total 21

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Sweeney, Tempel, Webber, Welborn.
Total 29

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 398 - Majority Leader Smith moved **SB 398** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Boland, Cohenour, Cuffe, Ellis, Esp, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, McGillvray, McNally, Molnar, O'Brien, Pomnichowski, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 31

Nays: Bennett, Bogner, Boldman, Brown, Ellsworth, Fitzpatrick, Glimm, Hertz, Hinebauch, Kary, Lynch, Manzella, Morigeau, Osmundson, Pope, Smith C, Vance, Mr. President.
Total 18

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 86 - Senator Ankney moved **SB 86** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes, made by Senator Hertz under Motions.

Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair McGillvray moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 40

Nays: Bennett, Boland, Cohenour, Gross, Jacobson, Morigeau, Pomnichowski, Pope, Sands.
Total 9

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 232 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 285 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 336 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 374 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 378 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 40

Nays: Cuffe, Esp, Hinebauch, Howard, Keenan, McGillvray, Sales, Smith C, Tempel.
Total 9

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SJ 22 passed as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox,

Gauthier, Glimm, Gross, Hoven, Jacobson, Lynch, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber.
Total 28

Nays: Bogner, Brown, Cuffe, Ellsworth, Friedel, Gillespie, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 21

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

HB 155 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

HB 451 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 41

Nays: Cuffe, Glimm, Kary, Keenan, Smith C, Vance, Welborn, Mr. President.
Total 8

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

HB 463 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: None.
Total 0

Voted absentee: None.

Excused: McClafferty, Molnar.
Total 2

Absent or not voting: None.
Total 0

HB 480 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

HB 574 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

HJ 19 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/6/2021
SB 376, do pass.

JUDICIARY (Regier, Chair): 3/31/2021
HB 257, be amended as follows:

1. Page 14.
Following: line 6
Insert: "COORDINATION SECTION. **Section 12. Coordination instruction**. If House Bill No. 121 and [this act] are passed and approved and if both contain a section that amends 50-2-116, then the sections amending 50-2-116 are void and 50-2-116 must be amended as follows:

"**50-2-116. Powers and duties of local boards of health.** (1) Except as provided in subsection (5), ~~In~~in order to carry out the purposes of the public health system, in collaboration with federal, state, and local partners, each local board of health shall:

(a) ~~appoint and fix the salary~~recommend to the governing body the appointment of a local health officer who is:

(i) a physician;

(ii) a person with a master's degree in public health; or

(iii) a person with equivalent education and experience, as determined by the department;

(b) elect a presiding officer and other necessary officers;

~~(c) employ qualified staff;~~

~~(d)~~(c) adopt bylaws to govern meetings;

~~(e)~~(d) hold regular meetings at least quarterly and hold special meetings as necessary;

~~(f)~~(e) identify, assess, prevent, and ameliorate conditions of public health importance through:

(i) epidemiological tracking and investigation;

(ii) screening and testing;

(iii) isolation and quarantine measures;

(iv) diagnosis, treatment, and case management;

(v) abatement of public health nuisances;

(vi) inspections;

(vii) collecting and maintaining health information;

(viii) education and training of health professionals; or

(ix) other public health measures as allowed by law;

~~(g)~~(f) protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health;

~~(h)~~(g) supervise or make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the conditions;

~~(i)~~(h) bring and pursue actions and issue orders necessary to abate, restrain, or prosecute the violation of public health laws, rules, and local regulations;

~~(j)~~(i) identify to the department an administrative liaison for public health. The liaison

must be the local health officer in jurisdictions that employ a full-time local health officer. In jurisdictions that do not employ a full-time local health officer, the liaison must be the highest ranking public health professional employed by the jurisdiction.

~~(k)~~(j) subject to the provisions of 50-2-130, ~~adopt~~ propose for adoption by the local governing body necessary regulations that are not less stringent than state standards for the control and disposal of sewage from private and public buildings and facilities that are not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the board of environmental review and must provide for appeal of variance decisions to the department as required by 75-5-305. If the local board of health regulates or permits water well drilling, the regulations must prohibit the drilling of a well if the well isolation zone, as defined in 76-4-102, encroaches onto adjacent private property without the authorization of the private property owner.

(2) Local boards of health may:

(a) accept and spend funds received from a federal agency, the state, a school district, or other persons or entities;

(b) ~~adopt propose for adoption by the local governing body necessary fees to administer regulations for the control and disposal of sewage from private and public buildings and facilities;~~

~~(c) adopt propose for adoption by the local governing body regulations that do not conflict with 50-50-126 or rules adopted by the department:~~

~~(i) for the control of communicable diseases;~~

~~(ii) for the removal of filth that might cause disease or adversely affect public health;~~

~~(iii) subject to the provisions of 50-2-130, for sanitation in public and private buildings and facilities that affects public health and for the maintenance of sewage treatment systems that do not discharge effluent directly into state water and that are not required to have an operating permit as required by rules adopted under 75-5-401;~~

~~(iv) subject to the provisions of 50-2-130 and Title 50, chapter 48, for tattooing and body-piercing establishments and that are not less stringent than state standards for tattooing and body-piercing establishments;~~

~~(v) for the establishment of institutional controls that have been selected or approved by the:~~

~~(A) United States environmental protection agency as part of a remedy for a facility under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq.; or~~

~~(B) department of environmental quality as part of a remedy for a facility under the Montana Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7; and~~

~~(vi) to implement the public health laws;~~

~~(d) adopt rules necessary to implement and enforce regulations adopted by the local governing body; and~~

~~(d)~~(e) promote cooperation and formal collaborative agreements between the local board of health and tribes, tribal organizations, and the Indian health service regarding public health planning, priority setting, information and data sharing, reporting, resource allocation, service delivery, jurisdiction, and other matters addressed in this title.

(3) A local board of health may provide, implement, facilitate, or encourage other public

health services and functions as considered reasonable and necessary.

(4) A directive, mandate, or order issued by a local board of health in response to a declaration of emergency and/or or disaster by the governor as allowed in 10-3-302 and 10-3-303 or by the principal executive officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

(a) remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order; and

(b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or operation of a religious facility, church, synagogue, or other place of worship.

(5) A regulation, including but not limited to a regulation allowed in subsection (2)(c)(i), (2)(c)(ii), or (2)(c)(vi), adopted or a directive, mandate, or order implemented to carry out the provisions of this part that applies to the entire jurisdictional area of a town, city, or county under the jurisdiction of the local health board may not:

(a) compel a private business to deny a customer of the private business access to the premises or access to goods or services;

(b) deny a customer of a private business the ability to access goods or services provided by the private business; or

(c) include any of the following actions for noncompliance of actions described in subsections (4)(a) and (4)(b):

(i) require the assessment of a fee or fine;

(ii) require the revocation of a license required for the operation of a private business;

(iii) find a private business owner guilty of a misdemeanor; or

(iv) bring any other retributive action against a private business owner, including but not limited to an action allowed under 50-2-123, a penalty allowed under 50-2-124, or any other criminal charge.

(6) The prohibition provided for in subsection (5)(b) does not apply to persons confirmed to have a communicable disease and who are currently under a public isolation order.

(7) As used in this section, "private business" means an individual or entity that is not principally a part of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit entity, a corporation, a sole proprietorship, or a limited liability company.""

Insert: "COORDINATION SECTION. **Section 13. Coordination instruction**. If House Bill No. 121 and [this act] are passed and approved and if both contain a section that amends 50-2-118, then the sections amending 50-2-118 are void and 50-2-118 must be amended as follows:

"**50-2-118. Powers and duties of local health officers.** (1) Except as provided in subsection (3), ~~In~~in order to carry out the purpose of the public health system, in collaboration with federal, state, and local partners, local health officers or their authorized representatives shall:

~~(1)~~(a) make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the condition;

~~(2)~~(b) take steps to limit contact between people in order to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and canceling events;

~~(3)~~(c) report communicable diseases to the department as required by rule;

~~(4)~~(d) establish and maintain quarantine and isolation measures as adopted by the local board of health; and

~~(5)~~(e) pursue action with the appropriate court if this chapter or rules adopted by the local board or department under this chapter are violated.

(2) A directive, mandate, or order issued by a local health officer in response to a declaration of emergency and/or or disaster by the governor as allowed in 10-3-302 and 10-3-303 or by the principal executive officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

(a) remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order; and

(b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or operation of a religious facility, church, synagogue, or other place of worship.

(3) A local health officer may not enforce a regulation, directive, mandate, or order or issue an order that is in violation of 50-2-116(5).""

Insert: "COORDINATION SECTION. **Section 14. Coordination instruction**. If House Bill No. 121 and [this act] are passed and approved and if both contain a section that amends 50-2-124, then the sections amending 50-2-124 are void and 50-2-124 must be amended as follows:

"**50-2-124. Penalties for violations.** (1) (a) A person who does not comply with rules adopted by a local board that are not in conflict with 50-2-116(5) or 50-2-118(3) is ~~guilty of a misdemeanor. On conviction, the person shall be fined~~ subject to a civil penalty of not less than $10 or more than $200.

(b) A business entity that does not comply with rules adopted by a local board is subject to a civil penalty of not more than $250.

(2) Except as provided in 50-2-123 and subsection (1) of this section, a person who violates the provisions of this chapter or rules adopted by the department under the provisions of this chapter is guilty of a misdemeanor. On conviction, the person shall be fined not less than $10 or more than $500 or be imprisoned for not more than 90 days, or both.

(3) Each day of violation constitutes a separate offense.

(4) The local board or the county attorney of the county in which a violation allowed in subsection (1) occurred may petition a court of limited jurisdiction to impose the civil penalties allowed in subsection (1). Venue for an action to collect a civil penalty pursuant to subsection (1) is in the county in which the violation occurred or in a court of limited jurisdiction.

~~(4)~~(5) Fines, except justice's court fines, must be paid to the county treasurer of the county in which the violation occurs.

(6) (a) As used in this section, "business entity" means a corporation, association, partnership, limited liability partnership, limited liability company, sole proprietorship, or other legal entity recognized under state law.

(b) The term does not include an individual.""

Insert: "COORDINATION SECTION. Section 15. Coordination instruction. If House Bill No. 121 and [this act] are passed and approved, then the section amending 50-2-123 in [this act] is void and 50-2-123 must be amended as follows:

"**50-2-123. Compliance order authorized.** (1) If a person refuses or neglects to

comply with a written order of a state or local health officer within a reasonable time specified in the order, the state or local health officer may cause the order to be complied with and initiate an action to recover any expenses incurred from the person who refused or neglected to comply with the order. The action to recover expenses shall be brought in the name of the city or county.

(2) An order of compliance or action allowed pursuant to subsection (1) may not be initiated for an order that violates 50-2-116(5) or 50-2-118(3).""

Renumber: subsequent sections

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 4/1/2021
SB 400, do pass.

Without objection, committee reports were adopted.

MOTIONS

Majority Leader Smith moved that **SB 388**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 86**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 399**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **SB 384**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator O'Brien moved to change her second-reading vote on **HB 170** from Yes to No. Without objection, so ordered.

Senator Hertz moved to change his second-reading vote on **SB 86** from No to Yes. Without objection, so ordered.

Senator Esp arose on a point of order and informed Senators that the second amendment distributed for **SB 385** is the correct amendment.

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the week:

Ashton Anderson from Billings, Montana, sponsored by Senator Esp
Taylor Sprenger from Billings, Montana, sponsored by Senator Esp
Addy Meredith from Helena, Montana, sponsored by Senator Osmundson
Rachel Visser from Manhattan, Montana, sponsored by Senator Sales
Bronte Bennion from Sidney, Montana, sponsored by Senator Hinebauch

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate recess until 4:30 p.m. Without objection, so ordered. Senate recessed at 3:25 p.m.

Senate reconvened at 4:35 p.m., President Blasdel presiding. Senators McClafferty and Lang excused.

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 23, introduced by T. Jacobson, referred to State Administration.
SJ 24, introduced by S. O'Brien, referred to Highways and Transportation.

The following House bills were introduced, read first time, and referred to committees:

HB 637, introduced by S. Berglee, referred to Fish and Game.
HB 641, introduced by S. Gist, J. Read, S. Berglee, W. Curdy, M. Noland, B. Tschida, D. Fern, F. Anderson, D. Bartel, C. Knudsen, B. Usher, T. Welch, N. Duram, J. Kassmier, B. Ler, B. Phalen, L. Brewster, K. Zolnikov, B. Mitchell, S. Kerns, S. Galloway, E. Hill, J. Schillinger, C. Hinkle, M. Binkley, R. Marshall, T. France, K. Whitman, M. Thane, referred to Judiciary.
HB 647, introduced by S. Galloway, M. Cuffe, J. Read, E. McClafferty, T. McGillvray, C. Smith, G. Hertz, M. Lang, W. Galt, B. Brown, G. Custer, F. Garner, M. Noland, V. Ricci, S. Hinebauch, S. Gunderson, D. Loge, R. Fitzgerald, L. Sheldon-Galloway, J. Trebas, B. Usher, J. Patelis, T. Welch, M. Hopkins, F. Fleming, N. Duram, J. Fuller, D. Harvey, J. Kassmier, M. Sweeney, D. Bedey, B. Ler, B. Phalen, F. Nave, L. Brewster, K. Zolnikov, A. Regier, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Malone, C. Hinkle, M. Bertoglio, D. Hawk, G. Frazer, M. Binkley, R. Marshall, T. France, C. Friedel, S. O'Brien, referred to Fish and Game.
HB 665, introduced by B. Ler, D. Tenenbaum, referred to Judiciary.

HB 667, introduced by R. Marshall, D. Salomon, B. Keenan, S. Berglee, M. Noland, C. Knudsen, B. Usher, N. Duram, J. Kassmier, B. Ler, B. Phalen, L. Brewster, P. Fielder, S. Gist, J. Schillinger, referred to Taxation.
HB 688, introduced by J. Kassmier, G. Hertz, K. Holmlund, B. Usher, J. Ellsworth, J. Dooling, K. Bogner, D. Bedey, R. Marshall, referred to Business, Labor, and Economic Affairs.
HB 692, introduced by K. Holmlund, L. Jones, referred to Finance and Claims.

The following House bill was introduced and read first time:

HB 702, introduced by J. Carlson, D. Skees, J. Read, D. Lenz, W. Galt, S. Berglee, J. Hinkle, M. Noland, V. Ricci, B. Tschida, S. Gunderson, M. Regier, L. Sheldon-Galloway, J. Trebas, D. Bartel, C. Knudsen, B. Usher, J. Patelis, S. Vinton, M. Hopkins, F. Fleming, J. Fuller, R. Knudsen, J. Kassmier, T. Moore, B. Ler, B. Phalen, F. Nave, L. Brewster, B. Mitchell, A. Regier, S. Kerns, S. Galloway, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Stromswold, J. Gillette, C. Hinkle, M. Binkley, R. Marshall.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGillvray in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 395 - Majority Leader Smith moved consideration of **SB 395** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 323 - Senator Friedel moved **SB 323** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: Lang.
Total 1

Senator Lang present at this time.

SB 402 - Majority Leader Smith moved **SB 402** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 20

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 176 - Senator Molnar moved **SB 176** do pass.

SB 176 - Senator Molnar moved **SB 176**, second reading copy, be amended as follows:

1. Title, line 11.
Following: "UNIT;"
Insert: "PROVIDING FOR THE RATE BASING OF CERTAIN MAINTENANCE COSTS AND TRANSMISSION CAPACITY IN THE CASE OF ABANDONMENT AND UNDER SPECIFIC CIRCUMSTANCES;"

2. Page 14, line 1.
Strike: "If"
Insert: "Except as provided in subsections (1)(c) through (1)(e), if"

3. Page 14.
Following: line 6
Insert: "(c) Subject to subsection (1)(e), if an owner ceases to maintain its ownership interest in a coal-fired generating unit and abandons its ownership interest or ceases to maintain its ownership interest and ceases to operate the coal-fired generating unit while other owners have a continued need to utilize power generated by the coal-fired generating unit, a utility regulated

by the public service commission in accordance with Title 69, chapter 3, may fund maintenance and repair costs for a single maintenance cycle in accordance with subsection (1)(d) to continue operation of the unit.
(d) Costs incurred to provide maintenance and repair costs and for the procurement of transmission capacity and services for a single maintenance cycle in the event of an owner ceasing to maintain its ownership interest in accordance with subsection (1)(c) and transmission capacity required in subsection (1)(e), may be included in the regulated utility's rate base in accordance with a public service commission order providing for the inclusion.
(e) A transfer of maintenance and repair costs in accordance with subsection (1)(d) also must include an agreement to maintain sufficient operational transmission capacity to serve the new acquisition of generation. The value of the capacity must be determined based on transmission agreements as originally signed by the owners."

4. Page 14, line 7.
Strike: "Montana"
Insert: "Except as provided in subsections (1)(c) through (1)(e),"

5. Page 14.
Following: line 8
Insert: "(3) The commission may not allow a facility acquired in accordance with this section to be rate-based at a value higher than that of newly constructed natural gas generation located within a utility's Montana service territory."
Renumber: subsequent subsection

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 44

Nays: Cohenour, McClafferty, O'Brien, Pomnichowski, Sands, Webber.
Total 6

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 176 - As amended, **SB 176** passed as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Flowers, Friedel, Gauthier, Glimm, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Pope, Regier K, Salomon, Small, Smith C, Tempel, Vance, Welborn.
Total 29

Nays: Bennett, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Gillespie, Hertz, Kary, McClafferty, Morigeau, O'Brien, Pomnichowski, Sales, Sands, Sweeney, Webber, Mr. President.
Total 21

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 379 - Senator Fitzpatrick moved **SB 379** do pass.

SB 379 - Senator Fitzpatrick moved **SB 379**, second reading copy, be amended as follows:

1. Title, line 8.
Strike: "SECTION"
Insert: "SECTIONS 69-3-105 AND"

2. Page 3.
Following: line 16
Insert: "**Section 4.** Section 69-3-105, MCA, is amended to read:
"69-3-105. Access to commission records and reports -- protective order. (1) Except as provided in subsection (2) and subsection (3), the reports, records, accounts, files, papers, and memoranda of every nature in the possession of the commission are open to the public during regular business hours, as defined in 2-16-117.
(2) The commission may issue a protective order when necessary to preserve trade secrets, as defined in 30-14-402, or other information that must be protected under law, as required to carry out its regulatory functions.
(3) The commission may consider staff memoranda a confidential work product not subject to disclosure.""
Renumber: subsequent sections

Amendment **not adopted** as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, Manzella, McGillvray, Osmundson, Regier K, Salomon, Small, Smith C, Vance, Welborn, Mr. President.

Total 25

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Jacobson, Keenan, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Sweeney, Tempel, Webber.
Total 25

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 379 - Senator K. Regier moved **SB 379**, second reading copy, be amended as follows:

1. Page 2, line 3 through line 4.
Strike: "regulated" on line 3 through "unit" on line 4

2. Page 2, line 4.
Following: "an"
Strike: "additional"

3. Page 2, line 7.
Following: "an"
Strike: "additional"

4. Page 2, line 15.
Following: "an"
Strike: "additional"

5. Page 2.
Following: line 27
Insert: "(c) Until the utility's ownership interest is fully depreciated, only the existing owner of an existing ownership interest may file an application for closure of the unit."

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 379 - As amended, **SB 379** passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 385 - Senator Hertz moved **SB 385** do pass.

SB 385 - Senator Esp moved **SB 385**, second reading copy, be amended as follows:

1. Title, line 6.
Following: the second "LAWS;"
Insert: "PROVIDING FUNDING LIMITATIONS FOR SPECIAL DISTRICTS THAT ENCOMPASS THE ENTIRE JURISDICTION OF A LOCAL GOVERNMENT;"

2. Title, line 6.
Strike: "A"
Insert: "CERTAIN"

3. Title, line 6.
Strike: the second "DISTRICT"
Insert: "DISTRICTS"

4. Title, line 7 through line 8.
Following: line 6
Insert: "ALLOWING A REFERENDUM TO EXTEND THE DURATION OF A SPECIAL DISTRICT; REVISING THE PETITION THRESHOLD REQUIRED TO CREATE A SPECIAL DISTRICT;"
Strike: remainder of line 7 through "LEVIES;" on line 8

5. Title, line 10 through line 11.
Strike: "7-11-1004,"

6. Title, line 11.
Following: "7-11-1007,"
Insert: "AND"
Following: "7-11-1011,"
Strike: "7-11-1013, 7-11-1023, 7-11-1029, AND 15-10-425,"

7. Title, line 11 through line 12.
Strike: "AN" on line 11 through "AND" on line 12

8. Page 1, line 16 through page 10, line 2.
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Provisions applicable to jurisdiction-wide special districts.** (1) This section applies to a special district created under this part by resolution as allowed in 7-11-1007 and 7-11-1008 or by referendum as allowed in 7-11-1011 that encompasses the entire jurisdictional area of a local government as defined in 7-11-1002(2).
(2) (a) If the governing body seeks to create a special district by resolution pursuant to 7-11-1007 and 7-11-1008, the governing body may not increase the total amount assessed by the district above the amount set forth in the resolution as required by 7-11-1007(2)(e) in a subsequent year by more than the lesser of the following calculated values:
(i) the average of the total amount assessed by the district in each of the previous 5 years multiplied by the average rate of inflation since the inception of the district; or
(ii) the total amount assessed by the governing body in the year the district was created multiplied by the average rate of inflation since the inception of the district.
(b) The rate of inflation referenced in subsections (2)(a)(i) and (2)(a)(ii) must be calculated using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.
(3) (a) If the governing body seeks to create a special district by resolution and referendum pursuant to 7-11-1011, the resolution ordering the referendum must include, in addition to the items included in 7-11-1011, a detailed description of:
(i) the estimated total cost of the programs, services, or improvements to be funded over the

duration of the district;
(ii) whether the governing body anticipates bonding for improvements and the estimated principal amount of the bonds;
(iii) the estimated annual rate or amount of the proposed assessments or fees that would be imposed over the duration of the district; and
(iv) an estimate of the impact of the creation of the district on a property in the district, according to the method of assessment identified as required by 7-11-1011(2)(e).
(b) The governing body may not exceed the amounts provided in subsection (3)(a) over the duration of the district without subsequent approval of the voters.
(4) (a) Unless otherwise dissolved pursuant to this part or by the terms of the resolution creating the special district, a special district created by resolution pursuant to 7-11-1007 and 7-11-1008 and subject to the provisions of this section must dissolve 13 years after the inception of the district or when any bonded indebtedness has been paid in full, whichever is later. The provisions of 7-11-1029(5) through (8) apply to the dissolution of a special district as provided in this subsection (4)(a).
(b) Prior to the dissolution of a special district, the governing body may extend the duration of the district by following the same procedures set forth in this section and the applicable provisions of 7-11-1003, 7-11-1007, 7-11-1008, and 7-11-1011.
(5) As used in this section, "special district" means a special district created under this part that encompasses the entire jurisdictional area of a local government as defined in 7-11-1002(2)."
Insert: "**Section 2.** Section 7-11-1003, MCA, is amended to read:
"**7-11-1003. Authorization to create special districts.** (1) Whenever the public convenience and necessity may require:
(a) the governing body may:
(i) create a special district by resolution pursuant to 7-11-1007, 7-11-1008, and the provisions of [section 1], if applicable; or
(ii) order a referendum on the creation of a special district to serve the inhabitants of the special district as provided in 7-11-1011 and the provisions of [section 1], if applicable; or
(b) petitioners may initiate the creation of a special district to serve inhabitants of the special district as provided in subsection (2).
(2) (a) ~~(i)~~ Upon receipt of a petition to institute the creation of a special district that is signed by at least ~~25%~~ 40% of the registered voters or by the owners of at least ~~25%~~ 40% of the real property within the boundary of the proposed special district and that is submitted to the clerk of the governing body, the governing body shall ~~order a referendum on the creation of the special district pursuant to 7-11-1011~~ .
~~(ii) Upon receipt of a petition to institute the creation of a special district that is signed by more than 50% of the registered voters or by the owners of more than 50% of the real property within the boundary of the proposed special district, the governing body shall conduct a public hearing pursuant to 7-11-1007 . Following the hearing and if insufficient protests are made as provided in 7-11-1008, the governing body shall order the creation of the special district in accordance with 7-11-1013~~ .
~~(b) If a proposed special district would be financed by a mill levy, a petition to institute the creation of the special district must be signed by at least 40% of the registered voters or at least 40% of the property taxpayers within the boundary of the proposed district~~ commence proceedings to create a special district as provided in subsection (1)(a).

~~(c)~~(b) The form of the petition may be prescribed by the governing body, and the clerk of the governing body shall verify the signatures on the petition.
~~(d)~~(c) Subject to subsection (2)~~(c)~~(b), the petition must:
(i) require the printed name of each signatory;
(ii) specify whether the signatory is a property taxpayer or owner of real property within the proposed special district and either the street address or the legal description, whichever the signatory prefers, of that property;
(iii) describe the type of special district being proposed and the general character of any proposed improvements and program to be administered within the special district;
(iv) designate the method of financing any proposed improvements or maintenance program within the special district;
(v) include a description of the areas to be included in the proposed special district; and
(vi) specify whether the proposed special district would be administered by the local governing body or an appointed or elected board.
(3) Within 60 days of receipt of a petition to create a special district, the clerk of the governing body shall:
(a) certify that the petition is sufficient under the provisions of subsection (2) and present it to the governing body at its next meeting; or
(b) reject the petition if it is insufficient under the provisions of subsection (2).
(4) A defect in the contents of the petition or in its title, form of notice, or signatures may not invalidate the petition and subsequent proceedings as long as the petition has a sufficient number of qualified signatures attached.""
Insert: "Section 3. Section 7-11-1007, MCA, is amended to read:
"**7-11-1007. Public hearing -- resolution of intention to create special district.** (1) The governing body shall hold at least one public hearing concerning the creation of a proposed special district prior to the passage of a resolution of intention to create the special district. A resolution of intention to create a special district may be based upon a decision of the governing body as provided in 7-11-1003(1)(a) or upon a petition that contains the required number of signatures as provided in 7-11-1003(1)(b).
(2) The resolution must designate, consistent with the requirements of [section 1] and 7-11-1024:
(a) the proposed name of the special district;
(b) the necessity for the proposed special district;
(c) a general description of the territory or lands to be included within the proposed special district, giving the boundaries of the proposed special district;
(d) the general character of any proposed improvements and the proposed location for the proposed program or improvements;
(e) the ~~estimated cost and~~ maximum rate or amount of the initial proposed assessments or fees that would be imposed;
(f) the method of financing the proposed program or improvements;
~~(f)~~(g) any requirements specifically applicable to the type of special district;
~~(g)~~(h) whether the proposed special district would be administered by the governing body or an appointed or elected board; and
~~(h)~~(i) the duration of the proposed special district.
(3) (a) The governing body shall publish notice of passage of the resolution of intention to

create a special district as provided in 7-1-2121 and 7-1-2122 or 7-1-4127 and 7-1-4129, as applicable. The notice must contain a notice of a hearing and the time and place where the hearing will be held.
(b) At the same time that notice is published pursuant to subsection (3)(a), the governing body shall provide a list of those properties subject to potential assessment, fees, or taxation under the creation of the proposed special district. The list may not be distributed or sold for use as a distribution list in accordance with 2-6-1017.
(c) A copy of the notice described in subsection (3)(a) must be mailed to each owner or purchaser under contract for deed of the property included on the list referred to in subsection (3)(b) as shown by the current property tax record maintained by the department of revenue for the county.""
Insert: "**Section 4.** Section 7-11-1011, MCA, is amended to read:
"**7-11-1011. Referendum -- conduct of election on creating special district.** (1) The governing body may order a referendum on the creation of the proposed special district.
(2) The resolution ordering the referendum must state, consistent with the requirements of [section 1], 7-11-1007, and 7-11-1024:
(a) the ~~type and~~ maximum rate or amount of the initial proposed assessments or fees that would be imposed, ~~consistent with the requirements of 7-11-1007 (2)(e) and 7-11-1024~~;
(b) the type of activities proposed to be financed, including a general description of the program or improvements;
(c) a description of the areas included in the proposed special district; and
(d) whether the proposed special district would be administered by the governing body or an appointed or elected board;
(e) the method of financing the proposed program or improvements; and
(f) the duration of the proposed special district.
(3) The election must be conducted in accordance with Title 13, chapter 1, part 5.
(4) The proposition to be submitted to the electorate must read: "Shall the proposition to organize (name of proposed special district) be adopted?"
(5) An individual is entitled to vote on the proposition if the individual:
(a) is a registered elector of the state; and
(b) is a resident of or owner of taxable real property in the area subject to the proposed special district.
(6) If the proposition is approved, the election administrator of each county shall:
(a) immediately file with the secretary of state a certificate stating that the proposition was adopted;
(b) record the certificate in the office of the clerk and recorder of the county or counties in which the special district is situated; and
(c) notify any municipalities lying within the boundaries of the special district.""
Insert: "NEW SECTION. **Section 5. Codification instruction**. [Section 1] is intended to be codified as an integral part of Title 7, chapter 11, part 10, and the provisions of Title 7, chapter 11, part 10, apply to [section 1]."
Insert: "NEW SECTION. **Section 6. Applicability**. (1) [Section 1(1) through (3) and (5)] apply to any special district created on or after [the effective date of this act].
(2) [Section 1(4)] applies to all special districts created by resolution and protest pursuant to 7-11-1007 and 7-11-1008 on or after July 1, 2009."

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 40

Nays: Bennett, Cohenour, Fox, Gross, McClafferty, Morigeau, O'Brien, Pomnichowski, Sands, Webber.
Total 10

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 385 - As amended, **SB 385** passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: McClafferty, No.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 395 - Senator Hertz moved **SB 395** do pass.

SB 395 - Senator Hertz moved **SB 395**, second reading copy, be amended as follows:

1. Title, line 13.

Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 1, line 21.
Following: "plans"
Insert: "and workers' compensation insurance carriers"
3. Page 2, line 18.4
Following: "33-35-103"
Insert: "and"

4. Page 2, line 19.
Strike: line 19 in its entirety
Renumber: subsequent subsection

5. Page 3, line 14.
Following: "to"
Insert: ":
(i)"

6. Page 3, line 15.
Following: "plans"
Insert: "; or
(ii) injured workers of workers' compensation insurance carriers"

7. Page 3, line 21.
Following: the first "carrier"
Insert: "or workers' compensation insurance carrier"

8. Page 3, line 22.
Following: "enrollees"
Insert: "or injured workers"

9. Page 4.
Following: line 2
Insert: "(16) "Workers' compensation insurance carrier" means:
(a) an insurance company transacting business under compensation plan No. 2; or
(b) the state fund compensation plan No. 3 under Title 39, chapter 71."

10. Page 4, line 21.
Following: "carrier"
Insert: ","
Strike: "and"

11. Page 4, line 21.
Following: "sponsor"

Insert: ", and workers' compensation insurance carrier"

12. Page 4, line 22.
Following: "enrollees"
Insert: "and injured workers"

13. Page 4, line 23.
Following: the first "client
Insert: ","
Strike: "and"

14. Page 4, line 23.
Following: the second "client"
Insert: ", and workers' compensation insurance carrier client"

15. Page 5, line 5.
Strike: "insurance issuer"
Insert: "carrier or workers' compensation insurance carrier"

16. Page 5, line 6.
Strike: "insurance issuer"
Insert: "carrier or workers' compensation insurance carrier"

17. Page 6, line 8.
Following: "enrollee"
Insert: "or injured worker"

18. Page 7, line 4.
Following: "to"
Strike: "health"

19. Page 7, line 6.
Following: "carrier"
Insert: ","
Strike: "or"

20. Page 7, line 6.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

21. Page 7, line 7.
Following: "carrier"
Insert: ","
Strike: "or"

22. Page 7, line 7.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

23. Page 7, line 8.
Following: "carrier"
Insert: ","
Strike: "or"

24. Page 7, line 8.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

25. Page 7, line 12.
Following: "sponsor"
Insert: "or injured workers of the workers' compensation insurance carrier"

26. Page 7, line 14 through line 15.
Following: "drugs" on line 14
Strike: remainder of line 14 through "distributor." on line 15
Insert: ";"

27. Page 7, line 18.
Following: "sponsor"
Insert: "or injured workers of the workers' compensation carrier"

28. Page 7, line 20.
Following: "sponsor"
Insert: "or injured workers of the workers' compensation carrier"

29. Page 7, line 22.
Following: "enrollee"
Insert: "or injured worker"

30. Page 7, line 23.
Following: "enrollee"
Insert: "or injured worker"

31. Page 8, line 3.
Following: "carrier"
Insert: ","
Strike: "or"

32. Page 8, line 4.
Following: "sponsor"

Insert: ", or workers' compensation insurance carrier"

33. Page 8, line 9.
Following: "carrier"
Insert: ","
Strike: "or"

34. Page 8, line 9.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

35. Page 8, line 12.
Strike: "under"
Insert: "for"

36. Page 8, line 12.
Following: "plan"
Insert: "or workers' compensation insurance carrier"

37. Page 8, line 14.
Following: "enrollees"
Insert: "or injured worker"
Following: "health"
Insert: "benefit"
Following: "plan"
Insert: "or workers' compensation insurance carrier"

38. Page 8, line 16.
Following: "carrier"
Insert: ","
Strike: "or"39. Page 8, line 16.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

40. Page 8, line 21.
Following: the first "carrier"
Insert: ","
Strike: "or"

41. Page 8, line 21.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

42. Page 8, line 21.
Following: the second "carrier"

Insert: ","
Strike: "or"

43. Page 8, line 22.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

44. Page 8, line 23.
Following: "carrier"
Insert: ","
Strike: "or"

45. Page 8, line 23.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

46. Page 8, line 26.
Following: "carrier"
Insert: ","
Strike: "or"

47. Page 8, line 26.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

48. Page 9, line 1.
Following: the first "carrier"
Insert: ","
Strike: "or"

49. Page 9, line 1.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

50. Page 9, line 1.
Following: the second "carrier"
Insert: ","
Strike: "or"

51. Page 9, line 2.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

52. Page 9, line 7.
Following: "sponsor"

Insert: "and injured workers of workers' compensation insurance carriers"

53. Page 9, line 9.
Strike: "carriers"
Insert: "carrier,"

54. Page 9, line 10.
Strike: "and"

55. Page 9, line 10.
Following: "sponsor"
Insert: ", and workers' compensation insurance carrier"

56. Page 9, line 14.
Following: "carrier"
Insert: ","
Strike: "and"

57. Page 9, line 14.
Following: "sponsor"
Insert: ", and workers' compensation insurance carrier"
Following: "state"
Strike: ". The amount must include any utilization discounts the pharmacy benefit manager received from a manufacturer or wholesale distributor."
Insert: ";"

58. Page 9, line 17.
Following: "carrier"
Insert: ","
Strike: "and"

59. Page 9, line 17.
Following: "sponsor"
Insert: ", and workers' compensation insurance carrier"

60. Page 9, line 21.
Following: "carrier"
Insert: ","
Strike: "and"

61. Page 9, line 21.
Following: "sponsor"
Insert: ", and workers' compensation insurance carrier"

62. Page 9, line 24.

Following: "carrier"
Insert: ","
Strike: "and"

63. Page 9, line 24.
Following: "sponsor"
Insert: ", and workers' compensation insurance carrier"

64. Page 10, line 6.
Following: "carrier"
Insert: ","
Strike: "or"

65. Page 10, line 6.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

66. Page 10, line 12.
Following: "enrollees"
Insert: "or injured workers"
Following: "plan"
Insert: "or workers' compensation insurance carrier"

67. Page 10, line 17.
Following: "carrier"
Insert: ","
Strike: "and"

68. Page 10, line 17.
Following: "sponsor"
Insert: ", and workers' compensation insurance carrier"

69. Page 10, line 19.
Following: the first "sponsor"
Insert: "and injured workers of a workers' compensation insurance carrier"

70. Page 10, line 19.
Following: the second "carrier"
Insert: ","
Strike: "or"

71. Page 10, line 19.
Following: the second "sponsor"
Insert: ", or workers' compensation insurance carrier"

72. Page 10, line 21.
Following: "sponsor"
Insert: "and injured workers of a workers' compensation insurance carrier"

73. Page 10, line 24.
Following: "carrier"
Insert: ","
Strike: "or"

74. Page 10, line 24.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

75 Page 10, line 28 through page 11, line 1.
Following: the first "is" on line 28
Strike: remainder of line 28 through "The" on page 11, line 1
Insert: "considered a response to an examination under Title 33, chapter 1, part 4, and is subject to the confidentiality provisions of 33-1-409. Any"

76. Page 11, line 1.
Strike: "are"
Insert: "is"

77. Page 11, line 2.
Strike: "are"
Insert: "is"

78. Page 11, line 6.
Strike: "a"
Insert: "an aggregated"

79. Page 11, line 10.
Following: "carrier"
Insert: ","
Strike: "or"

80. Page 11, line 10.
Following: "sponsor"
Insert: ", or workers' compensation insurance carrier"

81. Page 12, line 6.
Following: "enrollees"
Insert: "and injured workers"

82. Page 25.

Following: line 17
Insert: "NEW SECTION. **Section 26. Termination**. [Section 10(3)] terminates June 1, 2023.

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Lynch.
Total 1

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

SB 395 - As amended, **SB 395** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: McClafferty, Aye.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair McGillvray moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 39

Nays: Bennett, Boland, Cohenour, Gross, McNally, Morigeau, Pomnichowski, Pope, Sands, Webber.
Total 10

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/6/2021
HB 273, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 4/6/2021
SB 86, do pass.
SB 384, do pass.
SB 388, do pass.
SB 399, do pass.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 4/6/2021
HB 300, be concurred in.
HB 462, be amended as follows:

1. Page 4, line 5.
Following: "adult"
Insert: "with knowledge of the person's driving experience"

2. Page 4, line 9.
Following: "adult"
Insert: "with knowledge of the person's legal history"

3. Page 4, line 12.

Following: "adult"
Insert: "with knowledge of the person's legal history"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/6/2021

SB 184, introduced by M. Blasdel
SB 278, introduced by G. Hertz
SB 319, introduced by G. Hertz

House bills passed and transmitted to the Senate for concurrence: 4/6/2021

HB 637, introduced by S. Berglee
HB 641, introduced by S. Gist
HB 647, introduced by S. Galloway
HB 665, introduced by B. Ler
HB 667, introduced by R. Marshall
HB 688, introduced by J. Kassmier
HB 692, introduced by K. Holmlund
HB 702, introduced by J. Carlson

MOTIONS

Senator O'Brien moved that **SB 407** be taken from the Business, Labor, and Economic Affairs Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lynch, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 23

Nays: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 26

Voted absentee: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, April 7, 2021. Motion carried.

Senate adjourned at 6:11 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SIXTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 7, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/7/2021

Correctly printed: **SB 86**, **SB 323**, **SB 376**, **SB 384**, **SB 388**, **SB 392**, **SB 396**, **SB 399**, **SB 400**, **SB 402**, **SB 403**, **SJ 23**, **SJ 24**, **HB 170**, **HB 273**, **HB 300**.
Correctly engrossed: **SB 176**, **SB 379**, **SB 385**, **SB 395**, **HB 462**.
Examined by the sponsor and found to be correct: **SB 169**, **SB 196**, **SB 211**, **SB 230**, **SR 91**, **SR 94**.
Transmitted to the House: **SB 232**, **SB 285**, **SB 336**, **SB 374**, **SB 378**, **SJ 22**, **HB 155**, **HB 451**, **HB 463**, **HB 480**, **HB 574**, **HJ 19**.
Signed by the Secretary of the Senate at 1:15 p.m., April 6, 2021: **SB 33**, **SB 43**, **SB 55**, **SB 135**, **SB 156**, **SB 171**, **SB 178**, **SB 217**, **SB 222**, **SJ 9**, **SR 38**, **SR 84**, **SR 87**, **SR 89**.
Signed by the Secretary of the Senate at 7:30 a.m., April 7, 2021: **SB 20**, **SB 49**, **SB 72**, **SB 168**, **SB 175**, **SB 240**, **SB 267**, **SB 275**, **SJ 15**, **SR 90**.
Signed by the Secretary of the Senate at 7:45 a.m., April 7, 2021: **SB 57**.
Signed by the President at 11:15 a.m., April 7, 2021: **SJ 9**, **SR 38**, **SR 84**, **SR 87**, **SR 89**.
Signed by the President at 11:20 a.m., April 7, 2021: **SB 33**, **SB 43**, **SB 55**, **SB 135**, **SB 156**, **SB 171**, **SB 178**, **SB 217**, **SB 222**.
Signed by the President at 11:30 a.m., April 7, 2021: **SB 20**, **SB 72**, **SB 175**, **SB 275**, **SR 90**.
Signed by the President at 11:45 a.m., April 7, 2021: **SB 49**, **SB 57**, **SB 168**, **SB 240**, **SB 267**, **SJ 15**.

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 4/6/2021
HB 365, be amended as follows:

1. Title, line 4.
Strike: the second "REVISING"
Insert: "REPEALING THE"

2. Title, line 5.
Strike: "APPLICATION"
Insert: "CLASSIFICATION AND RELATED"

3. Title, line 5.
Following: "SECTIONS"
Insert: "69-12-101,"
Following: "69-12-201,"
Insert: "69-12-205, 69-12-301,"

4. Title, line 5 through line 6.
Strike: "69-12-312,"
Insert: "69-12-314, 69-12-321, 69-12-322, 69-12-323, 69-12-324, 69-12-403, 69-12-404, 69-12-406, 69-12-407,"

5. Title, line 6.
Following: "69-12-501,"
Strike: "AND"
Following: "69-12-502,"
Insert: "AND 69-12-611,"
Following: "MCA;"
Insert: "REPEALING SECTION 69-12-312, MCA;"
Following: "AN"
Strike: "IMMEDIATE"

6. Page 1.
Following: line 8
Insert: "**Section 1.** Section 69-12-101, MCA, is amended to read:

"**69-12-101. Definitions.** Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Between fixed termini" or "over a regular route" means the termini or route between or over which a motor carrier usually or ordinarily operates motor vehicles, even though there may be periodical or irregular departures from the termini or route.

(2) "Certificate" means a certificate of public convenience and necessity or a certificate of compliance issued under this chapter.

(3) "Certificate of compliance" means written authorization to operate issued by the commission for Class A~~, Class B,~~ or Class E motor carriers that transport passengers declaring that the motor carrier meets the fitness requirements of this chapter.

(4) "Certificate of public convenience and necessity" means a written authorization to operate issued by the commission for Class A ~~and Class B~~ motor carriers that transport property or persons and property, Class C motor carriers, and Class D motor carriers declaring that the motor carrier service is required by the public convenience and necessity, as provided in this chapter.

(5) "Charter service" means a service used for the transportation of passengers by a motor carrier with rates not subject to approval by the commission if:

(a) the transportation of passengers is based on a single contract;

(b) the contract is entered into in advance of the transportation and does not result from a spontaneous, curbside agreement;

(c) the contract includes a single fixed charge and fares are not assessed per passenger;

(d) the passenger or group of passengers acquires exclusive use of the motor vehicle through the contract; and

(e) when applied to a group of passengers being transported, the group of passengers travels together to a specified destination.

(6) "Compensation" means the charge imposed on motor carriers for the use of the highways in this state by motor carriers under 69-12-421.

(7) "Corporation" means a corporation, company, association, or joint-stock association.

(8) "Digital network" means any online-enabled application, software, website, or system offered or utilized by a transportation network carrier that enables the prearrangement of rides with transportation network carrier drivers.

(9) "For hire" means for remuneration of any kind, paid or promised, either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is obtained or derived for transportation service.

(10) "Garbage" means ashes, trash, waste, refuse, rubbish, organic or inorganic matter that is transported to a licensed transfer station, licensed landfill, licensed municipal solid waste incinerator, or licensed disposal well. The term does not include wastewater and waste tires.

(11) "Household goods" means any of the following:

(a) personal effects and property used or to be used in a dwelling when they are a part of the equipment or supply of the dwelling. The term does not include property moving from a factory or store unless the property is purchased by a householder for use in a dwelling and is transported at the request of the householder.

(b) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments when those items are a part of the stock, equipment, or supply of the stores, offices, museums, institutions, hospitals, or other establishments. The term does not include the stock-in-trade of an establishment, whether consignor or consignee, other than used furniture and used fixtures, except when transported as incidental to moving of the establishment or a portion of the establishment from one location to another.

(c) articles, including objects of art, displays, and exhibitions that because of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods and other similar articles.

(12) "Motor carrier" means a person or corporation, or its lessees, trustees, or receivers appointed by a court, operating motor vehicles upon a public highway in this state for the transportation of passengers, household goods, or garbage for hire on a commercial basis, either as a common carrier or under private contract, agreement, charter, or undertaking. A motor carrier includes a transportation network carrier.

(13) "Motor vehicle" includes vehicles or machines, motor trucks, tractors, or other self-propelled vehicles used for the transportation of property or persons over the public highways of the state.

(14) "Person" means an individual, firm, or partnership.

(15) "Personal vehicle" means a vehicle that is used by a transportation network carrier driver in connection with providing a prearranged ride and is:

(a) owned, leased, or otherwise authorized for use by the transportation network carrier driver; and

(b) not a taxicab, limousine, or for-hire vehicle.

(16) "Prearranged ride" means transportation provided by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a

transportation network carrier, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include transportation provided using a taxicab, limousine, or other for-hire vehicle pursuant to Title 69, chapter 12.

(17) "Public highway" means a public street, road, highway, or way in this state.

(18) "Railroad" means the movement of cars on rails, regardless of the motive power used.

(19) "Recyclable" means any material diverted from the solid waste stream that can be reused in the production of heat or energy or as raw material for new products and for which markets exist.

(20) "Transportation network carrier" means an entity that uses a digital network or software application service to connect passengers to transportation network carrier services provided by transportation network carrier drivers. A transportation network carrier may not be deemed to control, direct, or manage the personal vehicles or transportation network carrier drivers that connect to its digital network, except where agreed to by written contract.

(21) "Transportation network carrier driver" or "driver" means an individual who:

(a) receives connections to potential riders and related services from a transportation network carrier in exchange for payment of a fee to the transportation network carrier; and

(b) uses a personal vehicle to provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network carrier in return for compensation or payment of a fee.

(22) "Transportation network carrier rider" or "rider" means an individual or persons who use a transportation network carrier's digital network to connect with a transportation network carrier driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

(23) "Transportation network carrier services" means the transportation of a passenger between points chosen by the passenger and prearranged with a transportation network carrier driver through the use of a transportation network carrier digital network or software application." "

Renumber: subsequent sections

7. Page 1.
Following: line 25
Insert: "**Section 3.** Section 69-12-205, MCA, is amended to read:

"**69-12-205. Rules to reflect differences between carrier classes.** (1) Except as provided in subsection (3), rules related to schedules, service, tariffs, rates, facilities, accounts, and reports must recognize the differences between types of Class A, ~~Class B,~~ Class C, Class D, and Class E motor carriers, as defined in this chapter, and must be just, fair, and reasonable to the classes and types of motor carriers in relation to each other and to the public.

(2) (a) In establishing the tariff or rates to be charged by Class A ~~and Class B~~ motor carriers for the carrying of persons, the commission shall take into consideration the kind and character of service to be performed.

(b) In establishing the tariff or rates to be charged by Class A ~~and Class B~~ motor carriers for the carrying of property or persons and property, the commission shall take into consideration the public necessity of the service, the kind and character of service to be performed, and the effect of the tariff and rates on other transportation agencies, if any. The commission shall, as far as

possible, avoid detrimental or unreasonable competition with existing railroad service or service furnished by a motor carrier.

(3) Except as provided in 69-12-341, a Class E motor carrier is not subject to commission rules related to schedules, tariffs, or rates.""

Insert: "**Section 4.** Section 69-12-301, MCA, is amended to read:

"**69-12-301. Classification of motor carriers.** (1) Motor carriers are divided into ~~five~~ four classes to be known as:

(a) Class A motor carriers;

~~(b) Class B motor carriers;~~

~~(c)~~(b) Class C motor carriers;

~~(d)~~(c) Class D motor carriers; and

~~(e)~~(d) Class E motor carriers.

(2) Class A motor carriers include all motor carriers operating between fixed termini or over a regular route and under regular rates or charges, based upon either station-to-station rates or upon a mileage rate or scale.

~~(3) Class B motor carriers include all motor carriers operating under regular rates or charges based upon either station-to-station rates or upon a mileage rate or scale and not between fixed termini or over a regular route.~~

~~(4)~~(3) Class C motor carriers include all motor carriers where the remuneration is fixed in and the transportation service furnished under a contract, charter, agreement, or undertaking.

~~(5)~~(4) Class D motor carriers include all motor carriers operating motor vehicles transporting garbage.

~~(6)~~(5) Class E motor carriers include all transportation network carriers.""

Renumber: subsequent sections

8. Page 1, line 26 through page 2, line 19.
Strike: section 2 in its entirety
Renumber: subsequent sections

9. Page 2.
Following: line 20
Insert: "**Section 5.** Section 69-12-314, MCA, is amended to read:

"**69-12-314. Class D motor carrier certificate of public convenience and necessity.** (1) Class D carriers shall conduct operations pursuant to a certificate of public convenience and necessity issued by the commission authorizing the transportation of the commodities described in 69-12-301~~(5)~~ (4). Class D carriers, when applying for a new or additional certificate of public convenience and necessity, shall file an application with the commission in accordance with the requirements of this chapter and the rules of the commission.

(2) A motor carrier may not possess a Class D motor carrier certificate of public convenience or necessity or operate as a Class D motor carrier unless the motor carrier actually engages in the transportation of garbage on a regular basis as part of the motor carrier's usual business operation.""

Insert: "**Section 6.** Section 69-12-321, MCA, is amended to read:

"**69-12-321. Hearing on application for motor carrier certificate.** (1) (a) Upon the filing of an application for a certificate by a Class A, ~~Class B,~~ Class C, Class D, or Class E motor carrier,

except a Class C motor carrier authorized to operate under the terms of a contract as provided in 69-12-324, or upon the filing of a request for a transfer of authority, the commission shall provide notice of the application to any interested party.

(b) If a protest or a request for hearing is received, the commission shall fix a time and place for a hearing on the application. The hearing must be set for not later than 60 days after receipt of a protest or a hearing request. If a protest or a request for hearing is not received, the commission may act on the application without a hearing as prescribed by commission rules.

(c) A protest related to an application by a motor carrier pursuant to 69-12-311(1)(a) ~~or 69-12-312(1)(a)~~ or by a Class E motor carrier is limited to a protest of the motor carrier's ability to meet the requirements of 69-12-323(5).

(2) A motor carrier referred to in 69-12-322, the department of transportation, the governing board or boards of any county, town, or city into or through which the route or service as proposed may extend, and any person or corporation concerned are interested parties to the proceedings and may offer testimony for or against the granting of the certificate.

(3) The contracting parties referred to in 69-12-313(4) shall appear and offer testimony in support of the applicant.

(4) An application by a motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312 (1)(b)~~, by a Class C motor carrier, or by a Class D motor carrier for a certificate of public convenience and necessity may be denied without a public hearing when the records of the commission demonstrate that the route or territory sought to be served by the applicant has previously been made the basis of a public investigation and finding by the commission that public convenience and necessity do not require the proposed motor carrier service. A hearing must be held if the applicant presents facts demonstrating that conditions over the route or in the territory and affecting transportation facilities have materially changed since the previous public investigation and finding and that public convenience and necessity now require the motor carrier operation.""

Insert: "**Section 7.** Section 69-12-322, MCA, is amended to read:

"**69-12-322. Notice of hearing.** (1) Whenever a hearing is scheduled, whether as a result of a protest or request or upon the commission's own motion, the commission shall cause a copy of the petition and notice of hearing to be served upon an officer or owner of any motor carrier that in the opinion of the commission might be affected by the granting of the certificate and shall notify any other affected party at least 10 days before the date of hearing.

(2) Notice of the hearing must be published:

(a) in the legal advertising section of a local newspaper or newspapers determined by the commission to have a circulation sufficient to reach the consuming public in the area under consideration for applications for Class C authority ~~and geographically limited Class B authority~~; and

(b) in appropriate newspapers determined by the commission to have sufficient statewide circulation in the case of applications for Class A authority ~~and geographically broad contemplated Class B authority~~.""

Insert: "**Section 8.** Section 69-12-323, MCA, is amended to read:

"**69-12-323. Decision on application.** (1) (a) Except as provided in subsection (1)(b), within 180 days from the date of the completed filing of an application, the commission shall issue its finding, order, or decision on the application and the evidence presented in support of the application at the time of the hearing.

(b) The commission may extend the time for making a decision to a date requested by the

applicant.

(2) (a) If after a hearing on the request for a certificate of public convenience and necessity the commission finds from the evidence that public convenience and necessity require the authorization of the service proposed or any part of the service proposed, a certificate of public convenience and necessity must be issued. In determining whether a certificate of public convenience and necessity should be issued, the commission shall consider:

(i) the transportation service being furnished or that will be furnished by any railroad or other existing transportation agency;

(ii) the likelihood of the proposed service being permanent and continuous throughout 12 months of the year; and

(iii) the effect that the proposed transportation service may have on other forms of transportation service that are essential and indispensable to the communities to be affected by the proposed transportation service or that might be affected by the proposed transportation service.

(b) For the purposes of issuing a certificate of public convenience and necessity to a Class D motor carrier, a determination of public convenience and necessity may include a consideration of competition.

(3) The commission may issue the certificate as requested in the application or in part and may attach terms and conditions to a certificate of public convenience and necessity for a motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312 (1)(b)~~, a Class C motor carrier, or a Class D motor carrier that in its judgment public convenience and necessity require.

(4) If a certificate is issued to a motor carrier as provided in this part, the certificate is in effect until terminated by the commission for cause or until terminated by the owner's failure to comply with 69-12-402.

(5) (a) In determining whether to approve a certificate of compliance for a motor carrier pursuant to 69-12-311(1)(a) ~~or 69-12-312(1)(a)~~ or for a Class E motor carrier, the commission shall consider only whether the applicant meets the requirements of 69-12-415. The commission shall provide notice and may require a hearing in accordance with 69-12-321.

(b) An applicant seeking a certificate of compliance establishes a rebuttable presumption that it meets the requirements of 69-12-415 by demonstrating compliance with insurance, bonding, and security requirements established by the commission in accordance with 69-12-402.""

Insert: "**Section 9.** Section 69-12-324, MCA, is amended to read:

"**69-12-324. Special provisions when federal or state contract involved.** (1) A written contract presented to the commission is sufficient proof that a motor carrier pursuant to 69-12-311(1)(a) ~~or 69-12-312(1)(a)~~ or a Class E motor carrier meets the requirements for a certificate of compliance or that a motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312 (1)(b)~~, a Class C motor carrier, or a Class D motor carrier meets the requirements for a certificate of public convenience and necessity in accordance with the terms and conditions contained within the United States government or state government contracts. Subject to the provisions of this section, a transportation movement is considered to be:

(a) the transportation for hire of persons between two points within the state by a motor carrier pursuant to the terms of a written contract between the carrier and the United States government or an agency or department of the United States; or

(b) the transportation for hire of solid waste between two points within the state by a motor carrier pursuant to the terms of a written contract between the carrier and the state government or

an agency or department of the state.

(2) The Class C certificate of public convenience and necessity issued pursuant to the terms and conditions of the United States government or state government contract may be issued by the commission upon receipt of an executed copy of the United States government or state government contract. The certificate of public convenience and necessity may be issued without a public hearing.

(3) The certificate issued pursuant to the terms of the United States government or state government contract is authorized only for the duration of the United States government or state government contract concerned. The certificate may be renewed for another definite term if the motor carrier is the motor carrier authorized to operate under the United States government or state government contract.""

Insert: "**Section 10.** Section 69-12-403, MCA, is amended to read:

"**69-12-403. Discontinuance of service.** ~~No Class A or Class B motor carrier shall~~ A Class A motor carrier may not abandon or discontinue any service established under this chapter without an order of the commission ~~therefor~~.""

Insert: "**Section 11.** Section 69-12-404, MCA, is amended to read:

"**69-12-404. Suspension of certificate by petition.** (1) (a) A motor carrier may petition the commission in writing to suspend its certificate for a period not to exceed 6 months. Only one additional 6-month suspension may be requested and granted.

(b) The suspension of a certificate of public convenience and necessity requested by a motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312 (1)(b)~~, by a Class C motor carrier, or by a Class D motor carrier may be granted upon a showing of present absence of public convenience and necessity or other showing of matters affecting motor carrier transportation.

(2) (a) The suspension of a certificate of compliance for a motor carrier pursuant to 69-12-311(1)(a) ~~or 69-12-312(1)(a)~~ or for a Class E motor carrier as provided for in subsection (1) for a period of 12 consecutive months automatically terminates a certificate of compliance and requires a motor carrier pursuant to 69-12-311(1)(a) ~~or 69-12-312(1)(a)~~ or a Class E motor carrier to reapply for a certificate of compliance.

(b) The suspension of a certificate of public convenience and necessity for a motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312 (1)(b),~~ a Class C motor carrier, or a Class D motor carrier as provided in subsection (1) for a period of 12 consecutive months establishes a prima facie presumption of absence of public convenience and necessity. If after notice and hearing the motor carrier pursuant to 69-12-311(1)(b) ~~or 69-12-312(1)(b)~~, the Class C motor carrier, or the Class D motor carrier is unable to prove the existence of public convenience and necessity or existing demand for the transportation service, the commission may cancel a certificate of public convenience and necessity.""

Insert: "**Section 12.** Section 69-12-406, MCA, is amended to read:

"**69-12-406. Restriction on transportation of certain waste.** Except as provided in 69-12-324, a Class A, ~~Class B,~~ Class C, or Class E motor carrier may not be authorized or permitted to transport garbage within the state. This restriction does not apply to recyclables.""

Insert: "**Section 13.** Section 69-12-407, MCA, is amended to read:

"**69-12-407. Records and reports.** (1) All records, books, accounts, and files of a Class A, ~~Class B,~~ Class C, and Class D motor carrier in this state, as they relate to the business of transportation conducted by the motor carrier, must at all times be subject to examination by the commission or by any authorized agent or employee of the commission. The commission shall

prescribe a uniform system of accounts and uniform reports covering the operations of Class A, ~~Class B,~~ Class C, and Class D motor carriers. A motor carrier authorized to operate in accordance with the provisions of this chapter shall keep its records, books, and accounts according to the uniform system to the extent possible.

(2) Before April 1 of each year, unless this deadline has been extended for good cause by the commission, a motor carrier authorized to engage in business shall file with the commission a report, under oath, on a form prescribed and furnished by the commission.

(3) In addition to other reporting requirements, a Class D motor carrier shall provide sufficient information to the commission to show that the carrier is entitled to possess the Class D motor carrier certificate of public convenience and necessity under the requirements of 69-12-314.

(4) (a) To ensure safety with respect to transportation network carrier drivers affiliated with Class E motor carriers, the commission may conduct audits of a Class E motor carrier, but not more than twice annually.

(b) A Class E motor carrier shall, upon request from the commission, provide to the commission up to 1,000 unique identification numbers, each of which has been assigned by the motor carrier to an individual transportation network carrier driver affiliated with the motor carrier.

(c) The commission may request from the Class E motor carrier copies of records held by the motor carrier for up to 10 of the motor carrier's drivers, who may be identified in the request only by the driver's unique identification number.

(d) The Class E motor carrier shall comply with the request in an electronic format acceptable to the commission within 1 business day after receiving the request.

(e) The Class E motor carrier may redact the records provided to the commission under subsection (4)(d) to protect the individual privacy of the transportation network carrier's drivers, including information that could be used to identify a driver. Information that a Class E motor carrier may redact includes but is not limited to the transportation network carrier driver's name, address, and social security number, other than the last four digits.

(5) Except as required by Article II, section 9 or 10, of the Montana constitution, the records obtained by the commission under subsection (4) may not be publicly disclosed by the commission.""

Renumber: subsequent sections

10. Page 3.
Following: line 16
Insert: "**Section 16.** Section 69-12-611, MCA, is amended to read:

"**69-12-611. Leasing of power equipment.** (1) All Class A, ~~Class B,~~ Class C, and Class D motor carriers subject to the jurisdiction of the commission may lease power equipment for the purpose of performing transportation movements within the state. The leasing of power units must be in writing.

(2) All leases must contain:

(a) the full names and addresses of negotiating parties;

(b) a complete description of each vehicle involved;

(c) a provision that the sole possession, responsibility, control, and direction of each vehicle resides with the lessee for the entire term of the lease;

(d) a provision that the lessee assumes full responsibility for all regulatory fees;

(e) the amount of compensation to be paid for use of the vehicle while under the lease and

the method by which the compensation is determined;

(f) the renewal conditions of the lease, if any; and

(g) the term length of the lease.

(3) A copy of the lease must be maintained in each leased vehicle at all times. Each leased power unit must display in a conspicuous place on both sides of the vehicle the identity and address of the lessor and lessee and the certificate number under which the power unit is operating.

(4) The leasing of power units by an authorized carrier to a noncertificated carrier is prohibited.""

Insert: "NEW SECTION. **Section 17. {standard} Repealer.** The following section of the Montana Code Annotated is repealed:

69-12-312. Class B motor carrier certificate."

Renumber: subsequent section

11. Page 3, line 17.
Strike: "on passage and approval"
Insert: "July 1, 2021"

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 3/31/2021
HB 257, be amended as follows:

1. Page 14.
Following: line 6
Insert: "COORDINATION SECTION. **Section 12. Coordination instruction**. If House Bill No. 121 and [this act] are passed and approved and if both contain a section that amends 50-2-116, then the sections amending 50-2-116 are void and 50-2-116 must be amended as follows:

"**50-2-116. Powers and duties of local boards of health.** (1) Except as provided in subsection (5), ~~In~~in order to carry out the purposes of the public health system, in collaboration with federal, state, and local partners, each local board of health shall:

(a) ~~appoint and fix the salary~~recommend to the governing body the appointment of a local health officer who is:

(i) a physician;

(ii) a person with a master's degree in public health; or

(iii) a person with equivalent education and experience, as determined by the department;

(b) elect a presiding officer and other necessary officers;

~~(c) employ qualified staff;~~

~~(d)~~(c) adopt bylaws to govern meetings;

~~(e)~~(d) hold regular meetings at least quarterly and hold special meetings as necessary;

~~(f)~~(e) identify, assess, prevent, and ameliorate conditions of public health importance through:

(i) epidemiological tracking and investigation;

(ii) screening and testing;

(iii) isolation and quarantine measures;

(iv) diagnosis, treatment, and case management;

(v) abatement of public health nuisances;

(vi) inspections;

(vii) collecting and maintaining health information;

(viii) education and training of health professionals; or

(ix) other public health measures as allowed by law;

~~(g)~~(f) protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health;

~~(h)~~(g) supervise or make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the conditions;

~~(i)~~(h) bring and pursue actions and issue orders necessary to abate, restrain, or prosecute the violation of public health laws, rules, and local regulations;

~~(j)~~(i) identify to the department an administrative liaison for public health. The liaison must be the local health officer in jurisdictions that employ a full-time local health officer. In jurisdictions that do not employ a full-time local health officer, the liaison must be the highest ranking public health professional employed by the jurisdiction.

~~(k)~~(j) subject to the provisions of 50-2-130, ~~adopt~~ propose for adoption by the local governing body necessary regulations that are not less stringent than state standards for the control and disposal of sewage from private and public buildings and facilities that are not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the board of environmental review and must provide for appeal of variance decisions to the department as required by 75-5-305. If the local board of health regulates or permits water well drilling, the regulations must prohibit the drilling of a well if the well isolation zone, as defined in 76-4-102, encroaches onto adjacent private property without the authorization of the private property owner.

(2) Local boards of health may:

(a) accept and spend funds received from a federal agency, the state, a school district, or other persons or entities;

(b) ~~adopt~~ propose for adoption by the local governing body necessary fees to administer regulations for the control and disposal of sewage from private and public buildings and facilities;

(c) ~~adopt~~ propose for adoption by the local governing body regulations that do not conflict with 50-50-126 or rules adopted by the department:

(i) for the control of communicable diseases;

(ii) for the removal of filth that might cause disease or adversely affect public health;

(iii) subject to the provisions of 50-2-130, for sanitation in public and private buildings and facilities that affects public health and for the maintenance of sewage treatment systems that do not discharge effluent directly into state water and that are not required to have an operating permit as required by rules adopted under 75-5-401;

(iv) subject to the provisions of 50-2-130 and Title 50, chapter 48, for tattooing and body-piercing establishments and that are not less stringent than state standards for tattooing and body-piercing establishments;

(v) for the establishment of institutional controls that have been selected or approved by the:

(A) United States environmental protection agency as part of a remedy for a facility under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq.; or

(B) department of environmental quality as part of a remedy for a facility under the Montana Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7; and

(vi) to implement the public health laws;

(d) adopt rules necessary to implement and enforce regulations adopted by the local governing body; and

~~(d)~~(e) promote cooperation and formal collaborative agreements between the local board of health and tribes, tribal organizations, and the Indian health service regarding public health planning, priority setting, information and data sharing, reporting, resource allocation, service delivery, jurisdiction, and other matters addressed in this title.

(3) A local board of health may provide, implement, facilitate, or encourage other public health services and functions as considered reasonable and necessary.

(4) A directive, mandate, or order issued by a local board of health in response to a declaration of emergency and/or or disaster by the governor as allowed in 10-3-302 and 10-3-303 or by the principal executive officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

(a) remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order; and

(b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or operation of a religious facility, church, synagogue, or other place of worship.

(5) A regulation, including but not limited to a regulation allowed in subsection (2)(c)(i), (2)(c)(ii), or (2)(c)(vi), adopted or a directive, mandate, or order implemented to carry out the provisions of this part that applies to the entire jurisdictional area of a town, city, or county under the jurisdiction of the local health board may not:

(a) compel a private business to deny a customer of the private business access to the premises or access to goods or services;

(b) deny a customer of a private business the ability to access goods or services provided by the private business; or

(c) include any of the following actions for noncompliance of actions described in subsections (4)(a) and (4)(b):

(i) require the assessment of a fee or fine;

(ii) require the revocation of a license required for the operation of a private business;

(iii) find a private business owner guilty of a misdemeanor; or

(iv) bring any other retributive action against a private business owner, including but not limited to an action allowed under 50-2-123, a penalty allowed under 50-2-124, or any other criminal charge.

(6) The prohibition provided for in subsection (5)(b) does not apply to persons confirmed to have a communicable disease and who are currently under a public isolation order.

(7) As used in this section, "private business" means an individual or entity that is not principally a part of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit entity, a corporation, a sole proprietorship, or a limited liability company.""

Insert: "COORDINATION SECTION. **Section 13. Coordination instruction**. If House Bill No. 121 and [this act] are passed and approved and if both contain a section that amends 50-2-118, then the sections amending 50-2-118 are void and 50-2-118 must be amended as follows:

"**50-2-118. Powers and duties of local health officers.** (1) Except as provided in

subsection (3), ~~In~~in order to carry out the purpose of the public health system, in collaboration with federal, state, and local partners, local health officers or their authorized representatives shall:

~~(1)~~(a) make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the condition;

~~(2)~~(b) take steps to limit contact between people in order to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and canceling events;

~~(3)~~(c) report communicable diseases to the department as required by rule;

~~(4)~~(d) establish and maintain quarantine and isolation measures as adopted by the local board of health; and

~~(5)~~(e) pursue action with the appropriate court if this chapter or rules adopted by the local board or department under this chapter are violated.

(2) A directive, mandate, or order issued by a local health officer in response to a declaration of emergency and/or or disaster by the governor as allowed in 10-3-302 and 10-3-303 or by the principal executive officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

(a) remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order; and

(b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or operation of a religious facility, church, synagogue, or other place of worship.

(3) A local health officer may not enforce a regulation, directive, mandate, or order or issue an order that is in violation of 50-2-116(5).""

Insert: "COORDINATION SECTION. **Section 14. Coordination instruction**. If House Bill No. 121 and [this act] are passed and approved and if both contain a section that amends 50-2-124, then the sections amending 50-2-124 are void and 50-2-124 must be amended as follows:

"**50-2-124. Penalties for violations.** (1) (a) A person who does not comply with rules adopted by a local board that are not in conflict with 50-2-116(5) or 50-2-118(3) is ~~guilty of a misdemeanor. On conviction, the person shall be fined~~ subject to a civil penalty of not less than $10 or more than $200.

(b) A business entity that does not comply with rules adopted by a local board is subject to a civil penalty of not more than $250.

(2) Except as provided in 50-2-123 and subsection (1) of this section, a person who violates the provisions of this chapter or rules adopted by the department under the provisions of this chapter is guilty of a misdemeanor. On conviction, the person shall be fined not less than $10 or more than $500 or be imprisoned for not more than 90 days, or both.

(3) Each day of violation constitutes a separate offense.

(4) The local board or the county attorney of the county in which a violation allowed in subsection (1) occurred may petition a court of limited jurisdiction to impose the civil penalties allowed in subsection (1). Venue for an action to collect a civil penalty pursuant to subsection (1) is in the county in which the violation occurred or in a court of limited jurisdiction.

~~(4)~~(5) Fines, except justice's court fines, must be paid to the county treasurer of the county in which the violation occurs.

(6) (a) As used in this section, "business entity" means a corporation, association, partnership, limited liability partnership, limited liability company, sole proprietorship, or other legal

entity recognized under state law.

(b) The term does not include an individual.""

Insert: "COORDINATION SECTION. Section 15. Coordination instruction. If House Bill No. 121 and [this act] are passed and approved, then the section amending 50-2-123 in [this act] is void and 50-2-123 must be amended as follows:

"**50-2-123. Compliance order authorized.** (1) If a person refuses or neglects to comply with a written order of a state or local health officer within a reasonable time specified in the order, the state or local health officer may cause the order to be complied with and initiate an action to recover any expenses incurred from the person who refused or neglected to comply with the order. The action to recover expenses shall be brought in the name of the city or county.

(2) An order of compliance or action allowed pursuant to subsection (1) may not be initiated for an order that violates 50-2-116(5) or 50-2-118(3).""

Renumber: subsequent sections

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 4/1/2021

HB 449, be amended as follows:

1. Page 2, line 7.
Strike: ";"
Insert: ". The court may require an alcohol monitoring device that can detect the usage of alcohol by an individual and includes but is not limited to:
(i) a transdermal alcohol monitoring unit; or
(ii) a facial recognition breathalyzer unit."

2. Page 2, line 20.
Following: the first "monitoring"
Insert: "or alcohol monitoring under subsection (1)(i)"

3. Page 2, line 20 through line 21.
Strike: "who" on line 20 through "and" on line 21

4. Page 2, line 23.
Following: "monitoring"
Insert: "or alcohol monitoring"
Following: "MONITORING"
Insert: "or alcohol monitoring"

5. Page 2, line 25.
Following: "MONITORING"
Insert: "or alcohol monitoring"

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 4/7/2021
SR 95, introduced resolution, be amended as follows:

1. Title, line 6.
Strike: "COMMUNICATION"
Insert: "COMMUNICATIONS"

2. Title, line 6.
Following: "2021,"
Insert: "AND APRIL 6, 2021,"

3. Page 1
Following: line 22
Insert: "Director Brian Gootkin, Helena, Montana, appointed to a term ending January 5, 2025. Attorney General Austin Knudsen, appointed to a term ending January 5, 2025."

And, as amended, be adopted.

HB 337, be concurred in.

Without objection, committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 25, introduced by B. Hoven, referred to Taxation.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 96, introduced by D. Kary, referred to State Administration.

MOTIONS

Senator Ellsworth moved the Senate reconsider its action on **SB 398**, indefinitely postponed the previous legislative day, and that **SB 398** be placed on second reading this date. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sands, Small, Smith C, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, Lynch, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sweeney, Tempel, Webber.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Glimm in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 377 - Senator McClafferty moved **SB 377** do pass. Motion **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 21

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No made under Motions by Senator McGillvray.

SB 377 - Majority Leader Smith moved **SB 377** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 400 - Senator Manzella moved **SB 400** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Small, Smith C, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 555 - Senator K. Regier moved **HB 555** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch,

Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 4 - Senator Sands moved **HJ 4** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 47

Nays: Hinebauch, Howard, Vance.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 334 - Senator McGillvray moved **HB 334** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel,

Webber, Welborn.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 502 - Senator McGillvray moved **HB 502** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 525 - Senator Fitzpatrick moved **HB 525** be concurred in.

HB 525 - Senator Fitzpatrick moved **HB 525**, second reading copy, be amended as follows:

1. Page 3, line 10.
Following: "same"
Insert: "or an adjacent"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales,

Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 525 - As amended, **HB 525** was concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 40

Nays: Bogner, Cuffe, Esp, Hinebauch, Howard, Keenan, Lang, Lynch, McGillvray, Smith C.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 20 - **Conference Committee Report No. 1** - Senator Ellsworth moved the Conference Committee report to **HB 20** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 264 - Senator Welborn moved **HB 264** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Howard, Jacobson, Kary, Lang, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 42

Nays: Hinebauch, Hoven, Keenan, Lynch, Manzella, Molnar, Smith C, Vance.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 586 - Senator Vance moved **HB 586** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 598 - Senator Gross moved **HB 598** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 46

Nays: Cuffe, Kary, Keenan, Vance.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 527 - Senator Esp moved **HB 527** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Small, Smith C, Vance, Welborn, Mr. President.
Total 26

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Webber.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 426 - Senator Gross moved **HB 426** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 49

Nays: Vance.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 90 - Senator Howard moved **HB 90** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 49

Nays: Vance.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 398 - Senator Ellsworth moved **SB 398** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Small, Smith C, Vance, Welborn, Mr. President.

Total 27

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lang, Lynch, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Glimm moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 38

Nays: Bennett, Boland, Cohenour, Gross, Lynch, McClafferty, Morigeau, Pomnichowski, Pope, Sweeney, Webber.
Total 11

Voted absentee: None.

Excused: Manzella.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/7/2021
SB 333, do pass.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 4/6/2021
HB 188, be amended as follows:

1. Title, line 8.
Strike: "61-3-562"
Insert: "61-10-211"

2. Page 20, line 5.
Following: "~~and~~"
Insert: "and"

3. Page 20, line 7 through line 9.
Strike: ";" on line 7 through "(24)" on line 9

4. Page 24, line 11.
Strike: "UNLESS A VEHICLE IS PERMANENTLY REGISTERED UNDER 61-3-562, THE"
Insert: "The"

5. Page 24, line 15.
Strike: "$150"
Insert: "$250"

6. Page 24, line 19.
Strike: "$250"
Insert: "$400"

7. Page 24, line 21.
Strike: "$500"
Insert: "$1,500"

8. Page 24, line 22.
Strike: "$250"
Insert: "$450"

9. Page 24, line 27 through page 26, line 6.
Strike: section 4 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in.

HB 476, be amended as follows:

1. Page 1, line 17.
Following: "with"
Insert: "dual rear wheels and"

2. Page 2, line 17.
Following: "truck"
Strike: "operator whose equipment was"

3. Page 2, line 17 through line 18.
Following: "before" on line 17
Strike: "[the" on line 17 through "act]" on line 18
Insert: "January 1, 2022,"

4. Page 2, line 18.
Following: "classification"
Insert: ", provided that the equipment has continuously complied with 61-8-906, 61-8-907, and 61-9-416"

5. Page 2, line 19.
Following: "upgraded" on line 18
Strike: "on or"
Following: "after"
Strike: "[the effective date of this act]"
Insert: "December 31, 2021, that has not been inspected by the highway patrol for compliance with 61-8-906, 61-8-907, and 61-9-416"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

4/7/2021

SB 191, introduced by R. Osmundson

House bills passed and transmitted to the Senate for concurrence: 4/7/2021

HB 340, introduced by W. Galt
HB 661, introduced by J. Kassmier
HB 663, introduced by B. Ler
HB 681, introduced by J. Kassmier
HB 683, introduced by B. Mercer
HB 705, introduced by E. Buttrey

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 170 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Keenan, Tempel.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 323 passed as follows:

Yeas: Ankney, Bennett, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Keenan, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 392 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Welborn, Mr. President.
Total 41

Nays: Boland, Cohenour, Ellis, Gross, Keenan, Pomnichowski, Pope, Tempel, Webber.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 396 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 46

Nays: Esp, Glimm, Keenan, Mr. President.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 402 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr.

President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 403 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 376 passed as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 36

Nays: Bennett, Boland, Cohenour, Ellis, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.

Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 86 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Keenan, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 399 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 384 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 388 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Jacobson, Lynch, McClafferty, McGillvray, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **SB 398**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator McGillvray moved to change his second reading vote on **SB 377** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 9:00 a.m., Thursday, April 8, 2021, the sixty-seventh legislative day. Motion carried.

Senate adjourned at 3:31 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SIXTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 8, 2021 — State Capitol

Senate convened at 9:00 a.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Sweeney and Tempel excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/8/2021

Correctly printed: **SB 333**, **SB 398**, **SB 400**, **SJ 25**, **SR 96**, **HB 90**, **HB 264**, **HB 334**, **HB 337**, **HB 426**, **HB 502**, **HB 527**, **HB 555**, **HB 586**, **HB 598**, **HJ 4**.
Correctly engrossed: **HB 188**, **HB 257**, **HB 365**, **SR 95**.
Transmitted to the House: **SB 86**, **SB 323**, **SB 333**, **SB 376**, **SB 379**, **SB 384**, **SB 385**, **SB 388**, **SB 392**, **SB 395**, **SB 396**, **SB 398**, **SB 399**, **SB 400**, **SB 402**, **SB 403**, **HB 90**, **HB 170**, **HB 264**, **HB 334**, **HB 426**, **HB 502**, **HB 527**, **HB 555**, **HB 586**, **HB 598**, **HJ 4**.
Delivered to the Secretary of State at 3:44 p.m., April 8, 2021: **SR 38**, **SR 84**, **SR 87**, **SR 89**, **SR 90**.
Delivered to the Governor for information April 8, 2021: **SR 38**, **SR 84**, **SR 87**, **SR 89**, **SR 90**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/7/2021
SB 398, do pass.

Without objection, the committee report was adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 661, introduced by J. Kassmier, W. Galt, D. Bartel, C. Knudsen, B. Ler, referred to Taxation.
HB 663, introduced by B. Ler, D. Skees, J. Read, L. Jones, D. Lenz, W. Galt, S. Berglee, F. Garner, M. Noland, B. Tschida, S. Gunderson, M. Regier, L. Sheldon-Galloway, D. Bartel, C. Knudsen, B. Usher, J. Patelis, S. Vinton, T. Welch, B. Beard, R. Knudsen, J. Kassmier, B. Putnam, B. Phalen, J. Carlson, K. Zolnikov, B. Mitchell, P. Fielder, S. Galloway, S. Gist, J. Schillinger, M. Malone, J. Gillette, C. Hinkle, R. Marshall, referred to Education and Cultural Resources.
HB 681, introduced by J. Kassmier, W. Galt, C. Knudsen, B. Ler, referred to Agriculture, Livestock and Irrigation.

HB 705, introduced by E. Buttrey, D. Salomon, R. Fitzgerald, M. Hopkins, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced and read first time:

HB 340, introduced by W. Galt, G. Hertz, C. Knudsen.
HB 683, introduced by B. Mercer, M. Regier, T. Moore.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 379 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, Jacobson, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 21

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

SB 400 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Webber.
Total 20

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

HB 334 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber, Welborn.
Total 19

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

SB 176 failed as follows:

Yeas: Bogner, Glimm, Hertz, Hoven, Howard, Jacobson, Keenan, Lang, McGillvray, Molnar, Regier K, Small.
Total 12

Nays: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hinebauch, Kary, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Smith C, Vance, Webber, Welborn, Mr. President.
Total 36

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

SB 385 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 17

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

SB 395 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: None.
Total 0

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes, made by Senator Bennett under Motions.

HB 20, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven,

Howard, Jacobson, Kary, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Keenan, Lynch.
Total 2

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

HB 90 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: None.
Total 0

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

HB 264 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Hinebauch, Keenan, Lynch, Manzella, Molnar, Smith C.
Total 6

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

HB 426 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: None.
Total 0

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

HB 502 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Webber.
Total 17

Voted absentee: None.

Excused: Sweeney, Tempel.

Total 2

Absent or not voting: None.
Total 0

HB 527 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Salomon, Small, Smith C, Vance, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Webber, Welborn.
Total 20

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

HB 555 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: None.
Total 0

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

HB 586 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: None.
Total 0

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

HB 598 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Cuffe, Kary, Keenan.
Total 3

Voted absentee: None.

Excused: Sweeney, Tempel.
Total 2

Absent or not voting: None.
Total 0

Senator Tempel present at this time.

HJ 4 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien,

Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Webber, Welborn, Mr. President.
Total 45

Nays: Cuffe, Hinebauch, Howard, Vance.
Total 4

Voted absentee: None.

Excused: Sweeney.
Total 1

Absent or not voting: None.
Total 0

SB 333 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellsworth, Esp, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Regier K, Sales, Sands, Small, Smith C, Tempel, Webber, Mr. President.
Total 40

Nays: Cuffe, Ellis, Fitzpatrick, Kary, Osmundson, Pope, Salomon, Vance, Welborn.
Total 9

Voted absentee: None.

Excused: Sweeney.
Total 1

Absent or not voting: None.
Total 0

SB 398 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Small, Smith C, Vance, Welborn, Mr. President.
Total 26

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Tempel, Webber.
Total 23

Voted absentee: None.

Excused: Sweeney.
Total 1

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fitzpatrick in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Senator Osmundson moved **HB 2** be concurred in.

Senator Osmundson, Chair of the Finance and Claims Committee, made opening comments, thanked the subcommittees for their work, and and gave an overview of **HB 2**.

Senator Ellis, Vice-Chair of the Finance and Claims Committee, thanked staff for their expertise and assistance, and thanked subcommittees for their work.

SECTION A. General Government

Senator Osmundson moved to open **Section A**. Without objection, so ordered.

Senator Lang acknowledged and thanked fellow committee members and staff then reviewed the budget of agencies in Section A: Legislative Branch, Consumer Counsel, Governor's Office, Commissioner of Political Practices, Office of the State Auditor, Department of Revenue, Department of Administration, Department of Commerce, Department of Labor and Industry, and the Department of Military Affairs.

Senator Sweeney present at this time.

HB 2 - Senator Lang moved **HB 2**, second reading copy, be amended with amendment **A002** as follows:

1. Page A-5:
Strike: Lines 8 through 9 in their entirety

2. Page A-6:

Strike: Lines 10 through 11 in their entirety

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Hinebauch, Aye.

Excused: Hinebauch.
Total 1

Absent or not voting: None.
Total 0

Senator Osmundson moved to close **Section A**. Without objection, so ordered.

Senate recessed at 9:52 a.m. and reconvened at 10:00 a.m., Senator Fitzpatrick in the chair.

SECTION B. Department of Public Health and Human Services

Senator Osmundson moved to open **Section B**. Without objection, so ordered.

Senator Keenan thanked fellow committee members and staff and then reviewed the budget of the Department of Public Health and Human Services.

Senators Cuffe and Howard, excused.

HB 2 - Senator Keenan moved **HB 2**, second reading copy, be amended with amendment **B006** as follows:

1. Page B-5: .
Following: line 20
Insert: "The department shall transmit a written report to the legislative fiscal analyst by the December 1, 2021. This report must include a detailed accounting of the initial establishment of the contingency funding, by division, 1st level expenditure, SABHRS subclass, and fund. The department shall transmit two further written reports to the

legislative fiscal analyst by September 1, 2022 and September 1, 2023. These reports must include a detailed accounting of the manner in which the department utilized the contingency funding, by division, 1st level expenditure, SABHRS subclass, and fund, in the most recently completed fiscal year."

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: None.
Total 0

Voted absentee: None.

Excused: Cuffe, Howard.
Total 2

Absent or not voting: None.
Total 0

Senator Cuffe present at this time.

Senator Howard present at this time.

HB 2 - Senator Gross moved **HB 2**, second reading copy, be amended with amendment **B001** as follows:

1. Page B-3, line 17:
Strike: "11,592,903 11,642,545" [General Fund FY22 FY23]
Insert: "12,177,967 13,007,694" [General Fund FY22 FY23]
Strike: "29,338,297 29,288,655" [Federal Special Fund FY22 FY23]
Insert: "30,421,983 31,817,256" [Federal Special Fund FY22 FY23]

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Senator McNally moved **HB 2**, second reading copy, be amended with amendment **B005** as follows:

1. Page B-2, line 13:
Strike: "46,319,421 47,630,491" [General Fund FY22 FY23]
Insert: "48,281,752 49,602,655" [General Fund FY22 FY23]

Strike: "91,526,072 93,509,030" [Federal Special Fund FY22 FY23]
Insert: "95,182,441 97,155,566" [Federal Special Fund FY22 FY23]

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Senator Morigeau moved **HB 2**, second reading copy, be amended with amendment **B002** as follows:

1. Page B-3, line 26:
Strike: "9,662,945 11,064,470" [General Fund FY22 FY23]
Insert: "10,162,945 11,564,470" [General Fund FY22 FY23]

Amendment **not** adopted as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Friedel, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 22

Nays: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 28

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Senator McNally moved **HB 2**, second reading copy, be amended with amendment **B004** as follows:

1. Page B-2, line 26:
Strike: "16,955,429 16,129,236" [General Fund FY22 FY23]
Insert: "22,236,653 21,510,999" [General Fund FY22 FY23]
Strike: "433,932,376 437,942,238" [Federal Special Fund FY22 FY23]
Insert: "428,651,152 432,560,475" [Federal Special Fund FY22 FY23]

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr.

President.
Total 31

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Senator O'Brien moved **HB 2**, second reading copy, be amended with amendment **B007** as follows:

1. Page B-3, line 24: .
Strike: "12,038,326 12,049,130" [General Fund FY22 FY23]
Insert: "13,238,326 13,249,130" [General Fund FY22 FY23]

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gauthier, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Senator Molnar moved **HB 2**, second reading copy, be amended with amendment **B008** as follows:

1. Page B-2, line 26: .
Strike: "16,955,429 16,129,236" [General Fund FY22 FY23]
Insert: "0 0" [General Fund FY22 FY23]

Strike: "23,400,934 24,502,375" [State Special Fund FY22 FY23]
Insert: "0 0" [State Special Fund FY22 FY23]

2. Page B-3, line 19: .
Strike: "858,021 865,204" [General Fund FY22 FY23]
Insert: "0 0" [General Fund FY22 FY23]

3. Page B-4, line 5: .
Strike: "6,555,207 6,833,564" [General Fund FY22 FY23]
Insert: "0 0" [General Fund FY22 FY23]

Amendment **not** adopted as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Gauthier, Glimm, Hertz, Hinebauch, Howard, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 20

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gillespie, Gross, Hoven, Jacobson, Kary, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 30

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Osmundson moved to close **Section B**. Without objection, so ordered.

Senate recessed at 11:20 a.m. and reconvened at 11:32 a.m., Senator Fitzpatrick in the chair.

SECTION C. Natural Resources and Transportation

Senator Osmundson moved to open **Section C**. Without objection, so ordered.

Senator Ankney acknowledged and thanked fellow committee members and staff then reviewed agencies in Section C: Department of Fish, Wildlife, and Parks, Department of Environmental Quality, Department of Transportation, Department of Livestock, Department of Natural Resources and Conservation, and the Department of Agriculture.

HB 2 - Senator Osmundson moved **HB 2**, second reading copy, be amended with amendment **C001** as follows:

1. Page C-3, line 11:
Strike: "837,179 847,650" [General Fund FY22 FY23]
Insert: "802,742 813,125" [General Fund FY22 FY23]
Strike: "2,758,251 2,761,005" [State Special Fund FY22 FY23]
Insert: "2,598,843 2,601,100" [State Special Fund FY22 FY23]
Strike: "709,518 712,682" [Federal Special Fund FY22 FY23]
Insert: "620,943 623,860" [Federal Special Fund FY22 FY23]

2. Page C-4:
Following: line 15
Insert: "The Central Management Program includes a reduction in general fund of $34,437 in FY 2022 and $34,525 in FY 2023, state special revenue of $159,408 in FY 2022 and $159,905 in FY 2023, and federal special revenue of $88,575 in FY 2022 and $88,822 in FY 2023. The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans."

3. Page C-5, line 4: .
Strike: "135,104,044 135,391,799" [State Special Fund FY22 FY23]
Insert: "133,394,730 133,678,343" [State Special Fund FY22 FY23]
Strike: "8,969,540 8,973,763" [Federal Special Fund FY22 FY23]
Insert: "8,081,261 8,082,641" [Federal Special Fund FY22 FY23]

Following: line 22
Insert: "The Maintenance Program includes a reduction in state special revenue of $1,709,314 in FY 2022 and $1,713,456 in FY 2023 and federal special revenue of $888,279 in FY 2022 and $891,122 in FY 2023. The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans."

4. Page C-6, line 9:
Strike: "3,000,805 3,063,845" [General Fund FY22 FY23]
Insert: "2,981,572 3,044,546" [General Fund FY22 FY23]
Strike: "2,171,582 2,175,133" [State Special Fund FY22 FY23]
Insert: "2,102,073 2,105,933" [State Special Fund FY22 FY23]
Strike: "1,988,699 1,992,962" [Federal Special Fund FY22 FY23]
Insert: "1,977,276 1,981,500" [Federal Special Fund FY22 FY23]

Following: line 27
Insert: "The Animal Health Division includes a reduction in general fund of $19,233 in FY 2022 and $19,299 in FY 2023, state special revenue of $69,506 in FY 2022 and $69,200 in FY 2023, and federal special revenue of $11,423 in FY 2022 and $11,462 in FY 2023.

The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans."

5. Page C-9, line 10:

Strike: "248,240	252,961"	[General Fund FY22 FY23]	
Insert: "240,834	245,540"	[General Fund FY22 FY23]	
Strike: "1,435,162	1,438,415"	[State Special Fund FY22 FY23]	
Insert: "1,367,370	1,370,421"	[State Special Fund FY22 FY23]	
Strike: "142,263	141,413"	[Federal Special Fund FY22 FY23]	
Insert: "128,571	127,682"	[Federal Special Fund FY22 FY23]	
Strike: "138,297	138,561"	[Proprietary FY22 FY23]	
Insert: "134,382	134,639"	[Proprietary FY22 FY23]	

6. Page C-10:
Following: line 1
Insert: "The Central Management Division includes a reduction in general fund of $7,406 in FY 2022 and $7,421 in FY 2023, state special revenue of $67,792 in FY 2022 and $67,994 in FY 2023, federal special revenue of $13,692 in FY 2022 and $13,731 in FY 2023, and proprietary funds of $3,915 in FY 2022 and $3,922 in FY 2023. The reduction is the equivalent of an additional 1% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2023 biennium operating plans."

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 39

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, Pomnichowski, Pope, Sweeney, Webber.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Osmundson moved to close **Section C**. Without objection, so ordered.

Senate recessed at 12:02 p.m. and reconvened at 1:10 p.m., Senator Fitzpatrick in the chair.

SECTION D. Corrections and Public Safety

Senator Osmundson moved to open **Section D**. Without objection, so ordered.

Senator Howard acknowledged and thanked fellow committee members and staff then reviewed agencies in Section D: Judiciary, Department of Justice, Public Service Commission, Office of State Public Defender, and the Department of Corrections.

HB 2 - Senator Osmundson moved **HB 2**, second reading copy, be amended with amendment **D001** as follows:

1. Page D-2, line 14: .
Strike: "a. Montana Highway Patrol Boulder Campus"
Insert: "a. Montana Highway Patrol Boulder Campus (Restricted)"

2. Page D-3: .
Following: "line 25"
Insert: "The Montana Highway Patrol Boulder Campus may only be used for expenditures related to the Boulder Campus."

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Cohenour, Ellis, Gross.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Osmundson moved to close **Section D**. Without objection, so ordered.

Senate recessed at 1:26 p.m. and reconvened at 1:30 p.m., Senator Fitzpatrick in the chair.

SECTION E. Education

Senator Osmundson moved to open **Section E**. Without objection, so ordered.

Senator Salomon acknowledged and thanked fellow committee members and staff then reviewed agencies in Section E: Office of Superintendent of Public Instruction, Board of Public Education, Commissioner of Higher Education, School for the Deaf and Blind, Montana Arts Council, Montana State Library Commission, and the Montana Historical Society.

HB 2 - Senator Morigeau moved **HB 2**, second reading copy, be amended with amendment **E001** as follows:

1. Page E-8:
Following: line 20
Insert: "b. Montana Promise Grant Program (Restricted/Biennial/OTO)"
Insert: "500,000 500,000" [General Fund FY22 FY23]

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Ellsworth, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 21

Nays: Ankney, Bogner, Brown, Cuffe, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Senator McClafferty moved **HB 2**, second reading copy, be amended with amendment **E002** as follows:

1. Page E-2, line 7:
Strike: "663,862 663,862" [General Fund FY22 FY23]

Insert: "1,263,862 1,263,862" [General Fund FY22 FY23]

Amendment **not** adopted as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Friedel, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 22

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 28

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Osmundson moved to close **Section E**. Without objection so ordered.

HB 2 - As amended, **HB 2** was concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lynch, Manzella, McClafferty, Morigeau, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Keenan, Lang, McGillvray, McNally, Molnar, O'Brien, Pomnichowski, Sands, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Fitzpatrick moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 42

Nays: Boland, Cohenour, Fox, Gross, Molnar, Pomnichowski, Sands, Webber.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

HB 2, **as amended by the Senate**, concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lynch, Manzella, McClafferty, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Keenan, Lang, McGillvray, McNally, Molnar, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Bennett moved to change his third-reading vote on **SB 395** from No to Yes. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 4/7/2021
HB 46, be concurred in.
HB 181, be concurred in.
HB 206, be concurred in.
HB 403, be concurred in.
HB 572, be amended as follows:

1. Title, line 8.
Following: "COSTS;"
Strike: "EXEMPTING SCHOOL MARSHALS FROM CERTAIN CONCEALED CARRY PROHIBITIONS;"

2. Title, line 9.
Strike: "SECTIONS 45-8-328 AND"
Insert: "SECTION"

3. Page 3, line 1 through line 2.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

4. Page 3, line 21 through page 4, line 10.
Strike: section 5 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 4/7/2021
HB 509, be amended as follows:

1. Page 1, line 11.
Strike: "A"
Insert: "Except as provided in subsection (2), a"

2. Page 1, line 13 through line 19.
Strike: "if" on line 13 through the second "campaign" on line 19

3. Page 1, line 21.
Following: "(1)"

Insert: "for emergency purposes or"

And, as amended, be concurred in.

STATE ADMINISTRATION (Kary, Chair): 4/7/2021
HB 72, be concurred in.
HB 362, be concurred in.
HB 483, be amended as follows:

1. Page 1.
Following: line 28
Insert: "COORDINATION SECTION. **Section 2. Coordination instruction**. If both House Bill No. 588 and [this act] are passed and approved, then [section 1(4)] of [this act] must be amended as follows:

"(4) The number of members of the personal staff of the leadership of the legislature who are exempted by ~~subsection (1)~~ this section may not exceed:

(a) one personal staff for the speaker of the house of representatives;
(b) one personal staff for the minority leader of the house of representatives;
(c) one personal staff for the president of the senate; and
(d) one personal staff for the minority leader of the senate.""

Renumber: subsequent section

And, as amended, be concurred in.

HB 491, be concurred in.
HB 590, be concurred in.
HJ 21, be concurred in.

Without objection, committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 97, introduced by C. Smith, referred to Judiciary.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Friday, April 9, 2021, the sixty-eighth legislative day. Motion carried.

Senate adjourned at 2:15 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SIXTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 9, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/9/2021

Correctly printed: **SR 97**, **HB 46**, **HB 72**, **HB 181**, **HB 206**, **HB 362**, **HB 403**, **HB 491**, **HB 590**, **HJ 21**.
Correctly engrossed: **HB 2**, **HB 449**, **HB 476**, **HB 483**, **HB 509**, **HB 525**, **HB 572**.
Correctly enrolled: **SB 215**, **SB 226**, **SB 277**.
Examined by the sponsor and found to be correct: **SB 215**, **SB 226**, **SB 277**.
Transmitted to the House: **HB 2**.
Signed by the Secretary of the Senate at 2:50 p.m., February 10, 2021: **SB 4**.
Signed by the Secretary of the Senate at 4:15 p.m., March 30, 2021: **SB 101**.
Signed by the Secretary of the Senate at 7:00 a.m., April 8, 2021: **SB 169**, **SB 196**, **SB 211**, **SB 230**, **SR 91**, **SR 94**.
Signed by the President at 2:45 p.m., April 8, 2021: **SB 4**, **SB 101**.
Signed by the President at 4:00 p.m., April 8, 2021: **SB 169**, **SB 196**, **SB 211**, **SB 230**, **SR 91**, **SR 94**.
Delivered to the Secretary of State at 12:00 p.m., April 9, 2021: **SR 91**, **SR 94**.
Delivered to the Governor for information, April 9, 2021: **SR 91**, **SR 94**.

SPECIAL ORDERS OF THE DAY

Senator Hertz read a proclamation from the 67th Legislature dedicating the 22nd Annual House and Senate Basketball Challenge to Colleen K. Brady in honor of her work with the Big Brothers and Big Sisters of Helena and Great Falls.

Senator Sweeney informed the Senate that the combined total of all donations to the Big Brothers and Big Sisters from the basketball challenge is $16,694.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/9/2021
HB 445, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/8/2021
HB 475, be concurred in.

JUDICIARY (Regier, Chair): 4/9/2021
SR 97, be adopted.
HB 230, be amended as follows:

1. Title, line 12.
Following: "DECLARATION;"
Insert: "PROVIDING FOR A CONTINUED STATE OF EMERGENCY OR DISASTER FOR A DROUGHT, EARTHQUAKE, FLOOD, OR WILDFIRE; PROHIBITING DISCRIMINATORY ACTION BY THE GOVERNMENT; PROVIDING FOR CIVIL RELIEF; PROHIBITING A GOVERNOR FROM SUSPENDING A STATUTE THAT AFFECTS THE EXERCISE OF AN INDIVIDUAL'S CONSTITUTIONAL RIGHTS; LIMITING THE ABILITY TO INTERFERE WITH THE COLLECTION OF RENT OR WITH ACTIONS FOR TERMINATION AND POSSESSION;"

2. Title, line 14.
Following: "DISASTER;"
Insert: "PROVIDING DEFINITIONS;"

3. Page 3.
Following: line 2
Insert: "NEW SECTION. **Section 2. Claim or defense against state action -- remedies -- limitations.** (1) A religious organization may assert a violation of 10-3-102 or [section 3] as a claim against a state, local, or interjurisdictional agency or public official in any judicial or administrative proceeding or as a defense in any judicial proceeding.

(2) In any civil action based on this section, the court may grant:
(a) declaratory relief;
(b) injunctive relief;
(c) compensatory damages for pecuniary and nonpecuniary losses;
(d) reasonable attorney fees and costs; and
(e) any other appropriate relief.

(3) A religious organization may not bring an action to assert a claim under this section later than 2 years after the date that it knew or could have known that a discriminatory action or other violation occurred."
Insert: "NEW SECTION. **Section 3. Protections against government discrimination.** An agency or a political subdivision of the state may not take discriminatory action against a religious organization wholly or partially on the basis that the organization is religious, operates or seeks to operate during an emergency or disaster, or engages in the exercise of religion as protected under the first amendment to the United States constitution. Discriminatory action means to:

(1) alter in any way the tax treatment of a religious organization, or cause any tax, fine, civil or criminal penalty, payment, damages award, or injunction to be assessed against a religious organization;

(2) deny, delay, revoke, or otherwise make unavailable an exemption from taxation for a

religious organization; or

(3) withhold, reduce, exclude, terminate, materially alter the terms or conditions of, or otherwise make unavailable or deny any grant, contract, scholarship, license, accreditation, certification, entitlement, or other benefit under any government program."

Renumber: subsequent sections

4. Page 5, line 16.
Following: "services;"
Strike: "and"

5. Page 5, line 20.
Following: "declarations"
Insert: "; and
(11) ensure the continuity of religious services as essential services to the welfare of the people of the state"

6. Page 6, line 4.
Following: "at"
Insert: "a religious service"

7. Page 6, line 5.
Strike: "facility, church, synagogue, or other place of worship"
Insert: "organization"

8. Page 6, line 15.
Following: "chapter;"
Strike: "or"

9. Page 6, line 18.
Following: "chapter"
Insert: "; or
(6) except in areas evacuated or subject to control of ingress pursuant to 10-3-104, and for no more than 60 days without legislative approval, interfere with the collection of rent or with actions for termination and possession pursuant to Title 70, chapter 24, part 4, chapter 27, or chapter 33"

10. Page 8, line 1.
Following: page 7, line 28
Insert: "(12) "Religious organization" means:
(a) a house of worship, including but not limited to churches, mosques, shrines, synagogues, and temples; or
(b) a religious group, association, educational institution, ministry, order, society, or similar entity, regardless of whether it is integrated or affiliated with a house of worship.
(13) "Religious services" means a meeting, gathering, or assembly of multiple persons organized by a religious organization for the purpose of worship, teaching, training, providing educational services, conducting religious rituals, or other activities that involve the exercise of religion."
Renumber: subsequent subsections

11. Page 8, line 18.
Following: "(a)"
Insert: "except as provided in subsection (4),"

12. Page 8, line 18.
Strike: "any"
Insert: "a"

13. Page 9.
Following: line 1
Insert: "(4) The governor may not suspend a statute that affects the exercise of an individual's constitutional rights under the United States constitution or the Montana constitution, including 13-19-104(3), even if the statute is otherwise considered a regulatory statute prescribing the procedures for conduct of state business."

14. Page 9, line 21.
Following: "(3)"
Insert: "(a) Except as provided in subsection (3)(b), a"
Strike: "A"

15. Page 9.
Following: line 25
Insert: "(b) A state of emergency or disaster may continue for a drought, an earthquake, flooding, or a wildfire as long as continuing conditions of the state of emergency or disaster exist unless terminated by the declaration of the legislature by joint resolution of termination of the state of emergency or disaster."

16. Page 10, line 25.
Strike: "Section"
Insert: "Sections"

17. Page 10, line 25.
Following: "1"
Insert: "through 3"

18. Page 10, line 25.
Strike: "is"
Insert: "are"

19. Page 10, line 26.
Strike: "section"
Insert: "sections"

20. Page 10, line 26.
Following: the third "1"

Insert: "through 3"

21. Page 10.
Following: line 27
Insert: "COORDINATION SECTION. **Section 16. Coordination instruction**. (1) If both Senate Bill No. 172 and [this act] are passed and approved, then Senate Bill No. 172 is void.

(2) If both Senate Bill No. 173 and [this act] are passed and approved, then Senate Bill No. 173 is void.

(3) If both Senate Bill No. 185 and [this act] are passed and approved, then Senate Bill No. 185 is void."
Renumber: subsequent section

And, as amended, be concurred in.

HB 517, be concurred in.
HB 578, be concurred in.

LOCAL GOVERNMENT (Gauthier, Chair): 3/31/2021
HB 450, be amended as follows:

1. Title, line 5.
Following: "THAT"
Insert: "COURT-ORDERED"

2. Title, line 6.
Strike: "MUST ADHERE TO APPLICABLE ZONING REGULATIONS"
Insert: "MAY NOT CREATE MORE THAN FOUR NEW LOTS OR PARCELS"

3. Page 1, line 28.
Following: "(1)"
Insert: "(a)"

4. Page 2, line 1.
Strike: "but is subject to applicable zoning regulations pursuant to Title 76, chapter 2"
Insert: "if not more than four new lots or parcels are created from the original lot or parcel"

And, as amended, be concurred in.

TAXATION (Hoven, Chair): 4/9/2021
HB 397, be concurred in.

REPORTS OF SELECT COMMITTEES

President Blasdel appointed a Select Committee on Marijuana Law as follows:

Senator Ellsworth, Chair
Senator Cohenour, Vice Chair
Senator Small, Vice Chair
Senator Bogner
Senator Brown
Senator Fitzpatrick
Senator Friedel
Senator Howard
Senator Jacobson
Senator Lynch
Senator Morigeau
Senator Vance

MESSAGES FROM THE GOVERNOR

April 8, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Blasdel:

On Thursday, April 8th I signed the following bills:

Senate Bill 13 - Cohenour
Senate Bill 38 - Gauthier
Senate Bill 53 - Welborn
Senate Bill 75 - Salomon
Senate Bill 109 - Salomon
Senate Bill 115 - Regier
Senate Bill 126 - Regier
Senate Bill 128 - Fitzpatrick
Senate Bill 152 - Hoven
Senate Bill 154 - Small
Senate Bill 170 - Kary
Senate Bill 200 - Sands
Senate Bill 205 - Hoven
Senate Bill 262 - Cuffe
Senate Bill 276 - Cuffe

I have vetoed **Senate Bill 227** - Fitzpatrick.

Sincerely,

GREG GIANFORTE
Governor

April 8, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Wylie Galt
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Blasdel and Speaker Galt:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby **veto Senate Bill 227** "AN ACT GENERALLY REVISING THE MONTANA ADMINISTRATIVE PROCEDURE ACT; PROVIDING THAT THE LEGISLATURE MAY REPEAL RULES OR AMENDMENTS BY JOINT RESOLUTION; LIMITING THE REPEAL TO RULES ADOPTED OR AMENDED DURING THE INTERIM; AMENDING SECTION 2-4-412, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

Article III, Section 1 of the Montana Constiution provides:

> The power of the government of this state is divided into three distinct branches -- legislative, executive, and judicial. No person or persons charged with the exercise of power properly belonging to the one branch shall exercise any power properly belonging to either of the others, except as in this constiitution expressly directed or permitted.

SB 227 is an unlawful violation of the separation of powers. It attempts to remove from the governor, the chief executive officer of the state with the final authority over the rulemaking activities of the executive branch, the power to approve or disapprove the legislature's review of the administrative rules implemented by the executive branch. It allows for the repeal of an administrative rule through a joint resolution, which does not have to be presented to the governor for signature and thus prevents the governor from exercising his final authority over the rulemaking activities of the executive branch.

Furthermore, SB 227 unlawfully exceeds the permitted scope of a joint resolution as set forth in

Rule 40-60(1)(j) of the Joint Rules of the Montana Senate and House. Under the joint rules, a joint resolution may only "advise or request the repeal, amendment, or adoption of a rule in the Administrative Rules of Montana" as proposed under SB 227. The joint rules were so written to respect the constitutional separation of powers between the legislature and the executive branch.

The concerns SB 227 seeks to address regarding legislative oversight over administrative rules has been addressed in SB 82, which I signed into law.

For these reasons, I veto SB 227.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 4/8/2021

HB 279, introduced by S. Berglee
HB 606, introduced by P. Fielder
HB 625, introduced by D. Lenz
HB 628, introduced by J. Kassmier
HB 629, introduced by D. Fern
HB 644, introduced by J. Windy Boy
HB 648, introduced by J. Kassmier
HB 651, introduced by M. Bertoglio
HB 656, introduced by J. Read
HB 658, introduced by G. Frazer
HB 670, introduced by D. Skees
HB 671, introduced by D. Bedey
HB 678, introduced by D. Bartel
HB 686, introduced by M. Regier
HB 689, introduced by J. Dooling
HB 691, introduced by D. Lenz
HB 693, introduced by B. Mercer
HB 694, introduced by S. Gist
HB 695, introduced by D. Loge
HB 696, introduced by B. Usher
HB 701, introduced by M. Hopkins
HB 703, introduced by J. Hinkle
HB 704, introduced by E. Buttrey
HB 707, introduced by B. Tschida
HB 708, introduced by J. Kassmier

HB 709, introduced by M. Regier

SB 300 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 300:**

4/8/2021

Representative Loge, Vice Chair
Representative J. Hinkle
Representative Novak

SB 354 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 354:**

4/8/2021

Representative Usher, Vice Chair
Representative Berglee
Representative Bishop

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 98, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 99, introduced by S. Hinebauch, referred to Fish and Game.

The following House bills were introduced, read first time, and referred to committees:

HB 606, introduced by P. Fielder, S. Galloway, S. Gist, J. Schillinger, referred to Energy and Telecommunications.
HB 625, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
HB 628, introduced by J. Kassmier, referred to Agriculture, Livestock and Irrigation.
HB 629, introduced by D. Fern, M. Blasdel, J. Hamilton, referred to Taxation.
HB 644, introduced by J. Windy Boy, referred to Education and Cultural Resources.
HB 648, introduced by J. Kassmier, W. Galt, C. Knudsen, referred to Natural Resources.
HB 651, introduced by M. Bertoglio, J. Read, S. Fitzpatrick, R. Osmundson, M. Blasdel, L. Jones, C. Glimm, W. Galt, S. Gunderson, J. Trebas, C. Knudsen, B. Usher, S. Vinton, J. Small, J. Ellsworth, B. Ler, S. Kerns, S. Galloway, K. Seekins-Crowe, C. Hinkle, R. Marshall, referred to State Administration.
HB 656, introduced by J. Read, D. Skees, K. Holmlund, M. Noland, B. Tschida, B. Usher, M. Hopkins, J. Fuller, S. Greef, B. Ler, L. Brewster, L. Reksten, E. Hill, J. Schillinger, C. Hinkle, referred to Judiciary.
HB 658, introduced by G. Frazer, E. Buttrey, L. Jones, W. Galt, F. Garner, K. Kelker, M. Noland, D. Loge, L. Sheldon-Galloway, J. Trebas, J. Patelis, E. Kerr-Carpenter, T. Running Wolf, D. Bedey, S. Greef, B. Putnam, B. Phalen, B. Mitchell, L. Reksten, M. Stromswold, J. Gillette, M. Bertoglio,

S. Novak, referred to Judiciary.
HB 671, introduced by D. Bedey, L. Jones, referred to Finance and Claims.
HB 678, introduced by D. Bartel, V. Ricci, referred to Finance and Claims.
HB 689, introduced by J. Dooling, S. Fitzpatrick, referred to State Administration.
HB 691, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
HB 693, introduced by B. Mercer, J. Patelis, J. Fuller, F. Nave, referred to Finance and Claims.
HB 694, introduced by S. Gist, J. Read, S. Gunderson, D. Fern, L. Sheldon-Galloway, J. Dooling, . Harvey, L. Brewster, K. Zolnikov, S. Kerns, S. Galloway, J. Schillinger, M. Malone, J. Gillette, M. Bertoglio, D. Hawk, R. Marshall, K. Whitman, M. Thane, referred to Local Government.
HB 695, introduced by D. Loge, referred to Natural Resources.
HB 696, introduced by B. Usher, K. Kelker, A. Regier, referred to Judiciary.
HB 703, introduced by J. Hinkle, S. Fitzpatrick, T. McGillvray, K. Regier, C. Smith, G. Vance, M. Blasdel, G. Hertz, D. Lenz, B. Brown, M. Noland, B. Tschida, S. Hinebauch, S. Gunderson, M. Regier, F. Anderson, L. Sheldon-Galloway, D. Bartel, B. Usher, J. Ellsworth, N. Duram, J. Fuller, B. Gillespie, B. Ler, B. Phalen, F. Nave, J. Carlson, B. Mitchell, A. Regier, S. Kerns, S. Galloway, S. Gist, E. Hill, J. Schillinger, C. Hinkle, M. Binkley, R. Marshall, referred to Public Health, Welfare and Safety.
HB 704, introduced by E. Buttrey, R. Fitzgerald, F. Anderson, D. Harvey, referred to Business, Labor, and Economic Affairs.
HB 708, introduced by J. Kassmier, F. Smith, A. Olsen, W. Curdy, M. Funk, W. McKamey, F. Anderson, C. Knudsen, B. Beard, J. Dooling, K. Sullivan, B. Ler, R. Whiteman Pena, M. Malone, K. Walsh, M. Binkley, R. Marshall, referred to Agriculture, Livestock and Irrigation.
HB 709, introduced by M. Regier, K. Regier, C. Glimm, F. Garner, J. Fuller, referred to Judiciary.

The following House bill, previously introduced, was referred to committee:

HB 702, introduced by J. Carlson, D. Skees, J. Read, D. Lenz, W. Galt, S. Berglee, J. Hinkle, M. Noland, V. Ricci, B. Tschida, S. Gunderson, M. Regier, L. Sheldon-Galloway, J. Trebas, D. Bartel, C. Knudsen, B. Usher, J. Patelis, S. Vinton, M. Hopkins, F. Fleming, J. Fuller, R. Knudsen, J. Kassmier, T. Moore, B. Ler, B. Phalen, F. Nave, L. Brewster, B. Mitchell, A. Regier, S. Kerns, S. Galloway, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Stromswold, J. Gillette, C. Hinkle, M. Binkley, R. Marshall, referred to Public Health, Welfare and Safety.

The following House bills were introduced and read first time:

HB 279, introduced by S. Berglee, D. Skees, J. Read, W. Galt, J. Hinkle, W. McKamey, M. Noland, V. Ricci, B. Tschida, J. Trebas, C. Knudsen, S. Vinton, J. Fuller, R. Knudsen, J. Kassmier, B. Mercer, T. Moore, F. Nave, J. Carlson, K. Zolnikov, B. Mitchell, A. Regier, S. Gist, E. Hill, J. Schillinger, K. Seekins-Crowe, M. Stromswold, C. Hinkle, M. Binkley.
HB 670, introduced by D. Skees, B. Tschida, M. Regier, A. Regier.
HB 686, introduced by M. Regier.
HB 701, introduced by M. Hopkins, R. Marshall.
HB 707, introduced by B. Tschida, M. Blasdel, M. Noland, B. Phalen, M. Binkley.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 95 - Senator K. Regier moved **SR 95** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 449 - Senator K. Regier moved **HB 449** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 539 - Senator Sands moved **HB 539** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes, made by Senator Gross under Motions.

HB 479 - Senator Bogner moved **HB 479** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 501 - Senator K. Regier moved **HB 501** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 450 - Majority Leader Smith moved consideration of **HB 450** be passed for the day. Without objection, so ordered.

HB 423 - Senator McNally moved **HB 423** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 276 - Senator Glimm moved **HB 276** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 8 - Senator Fitzpatrick moved **HJ 8** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Pomnichowski.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 300 - Senator Manzella moved **HB 300** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 462 - Senator Friedel moved **HB 462** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 47

Nays: Esp, Kary, Vance.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 188 - Senator Glimm moved **HB 188** be concurred in. Motion carried as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 365 - Senator McGillvray moved **HB 365** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 476 - Senator Friedel moved **HB 476** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Keenan, Lang, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 39

Nays: Cuffe, Esp, Glimm, Hinebauch, Kary, Lynch, Manzella, Osmundson, Regier K, Smith C, Vance.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 302 - Senator Lang moved **HB 302** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 309 - **House Amendments** - Senator Sales moved House amendments to **SB 309** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Lynch, Sands, Smith C.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 106 - **House Amendments** - Senator Sales moved House amendments to **SB 106** be

concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 163 - **House Amendments** - Senator Glimm moved House amendments to **SB 163** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 44

Nays: Bennett, Boland, Cohenour, Morigeau, Pomnichowski, Webber.
Total 6

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 525 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Bogner, Esp, Hinebauch, Keenan, Lynch, McGillvray, Smith C, Tempel.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Gross moved to change her second reading vote on **HB 539** from No to Yes. Without objection, so ordered.

Senator Fitzpatrick moved the Senate **override the Governor's veto of SB 227**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved that **HB 188**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 670, introduced by D. Skees, B. Tschida, M. Regier, A. Regier, referred to the Select Committee on Marijuana Law.
HB 683, introduced by B. Mercer, M. Regier, T. Moore, referred to the Select Committee on Marijuana Law.
HB 686, introduced by M. Regier, referred to Finance and Claims.
HB 701, introduced by M. Hopkins, R. Marshall, referred to the Select Committee on Marijuana Law.
HB 707, introduced by B. Tschida, M. Blasdel, M. Noland, B. Phalen, M. Binkley, referred to the Select Committee on Marijuana Law.

SPECIAL ORDERS OF THE DAY

Senator Kary thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Monday, April 12, 2021, the sixty-ninth legislative day. Motion carried.

Senate adjourned at 2:28 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SIXTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 12, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Jessica Criss, Miss Montana 2020 and 2021, sang the national anthem.

Roll Call. Forty-nine members present, Senator Manzella excused. Quorum present.

Jack Racicot, a prior Senate employee injured during the 2019 session, thanked the Senate for its support during the past two years. As a fundraiser for expenses incurred by Mr. Racicot, members of the Montana Auctioneers Association auctioned off two American flags to members of the Senate. Both flags carried authentication of having flown over the state Capitol.

BILLS AND JOURNALS (Keenan, Chair): 4/12/2021

Correctly printed: **SR 95**, **SR 97**, **SR 98**, **SR 99**, **HB 188**, **HB 276**, **HB 300**, **HB 302**, **HB 365**, **HB 397**, **HB 423**, **HB 445**, **HB 449**, **HB 462**, **HB 475**, **HB 476**, **HB 479**, **HB 501**, **HB 517**, **HB 539**, **HB 578**, **HJ 8**.
Correctly engrossed: **HB 230**, **HB 450**.
Transmitted to the House: **HB 525**.
Signed by the Secretary of the Senate at 8:15 a.m., April 12, 2021: **SB 215**, **SB 226**, **SB 277**.
Signed by the President at 10:30 a.m., April 12, 2021: **SB 215**, **SB 226**, **SB 277**.
Signed by the Speaker at 11:40 a.m., April 12, 2021: **SB 169**.
Delivered to the Governor for signature at 12:10 p.m., April 12, 2021: **SB 169**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/9/2021
HB 472, be amended as follows:

1. Page 1, line 16.
Strike: "actual damages"
Insert: "money damages in the amount of any ascertainable loss of money or property"

2. Page 1, line 17.
Following: "may"
Insert: "not award punitive damages but may"

3. Page 1, line 17.

Following: "times the"
Strike: "actual damages"
Insert: "money damages in the amount of any ascertainable loss of money or property"

4. Page 1, line 25.
Following: "more."
Insert: "Attorney fees are limited to no more than $250 an hour."

And, as amended, be concurred in.

HB 593, be amended as follows:

1. Page 4, line 1.
Following: "(11)"
Insert: ""Electrologist" means a person licensed under this chapter to engage in the practice of electrology.
(12)"

2. Page 4, line 8 through line 9.
Strike: subsection (12) in its entirety

3. Page 9, line 5.
Following: "~~not~~"
Strike: "temporarily"

4. Page 9, line 5.
Strike: the first ","
Insert: "or"

5. Page 9, line 5.
Following: "shop,"
Strike: "OR booth"

6. Page 9, line 5.
Strike: "without"
Insert: "with"

7. Page 9, line 6.
Following: "license"
Insert: "or a temporary operating permit"

8. Page 9, line 11.
Following: "may"
Insert: "not"
Following: "booth"
Insert: "without a booth rental"

Following: "~~rental~~"
Strike: "with a"

9. Page 9, line 11 through line 12.
Strike: "as" on line 11 through "39-51-204" on line 12

10. Page 13, line 27.
Strike: "a course of study of 650 hours"
Insert: "teacher training"

11. Page 13, line 28.
Strike: "teaching"
Insert: "teacher training"

12. Page 14, line 8.
Strike: "practice"
Insert: "teach"

13. Page 18, line 10.
Strike: the first ","
Insert: "or"

14. Page 18, line 10.
Following: "shops,"
Strike: "booths, AND schools"

15. Page 18, line 12.
Strike: ","
Insert: "or"

16. Page 18, line 14.
Following: "licensee"
Insert: "or school"

17. Page 18, line 16.
Strike: the first ","
Insert: "or"

18. Page 18, line 16.
Following: "salon"
Strike: ", booth, ~~room,~~ or school"

19. Page 18, line 18.
Strike: the first ","
Insert: "or"

20. Page 18, line 18.
Following: "shop"
Strike: ", booth, ~~room,~~ or school"

21. Page 18, line 21.
Strike: the first ","
Insert: "or"

22. Page 18, line 21.
Following: "salon"
Strike: ", booth, ~~room,~~ or school"

23. Page 18, line 23.
Strike: the first ","
Insert: "or"

24. Page 18, line 23.
Following: "salon"
Strike: ", booth, ~~room,~~ or school"

25. Page 18, line 25.
Strike: the first ","
Insert: "or"

26. Page 18, line 25 through line 26.
Following: "shop" on line 25
Strike: remainder of line 15 through the first "school" on line 26

27. Page 18, line 26.
Following: "salon"
Strike: ","
Insert: "or"

28. Page 18, line 26.
Following: "shop"
Strike: ", booth, ~~room,~~ or school"

29. Page 18, line 27.
Strike: the first ","
Insert: "or"

30. Page 18, line 27.
Following: "shop"
Strike: ", booth, ~~room,~~ or school and the"

31. Page 18, line 27.

Strike: ", ~~or~~ manager, or operator"
Insert: "or manager"

32. Page 18, line 28.
Following: "salon"
Strike: ","
Insert: "or"

33. Page 19, line 1.
Following: "shop"
Strike: ", booth, ~~room,~~ or school"

34. Page 19, line 5.
Strike: the first ","
Insert: "or"

35. Page 19, line 5.
Following: "shop"
Strike: ", booth, ~~room,~~ or school"

And, as amended, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 4/12/2021
HB 7, be concurred in.
HB 9, be concurred in.

JUDICIARY (Regier, Chair): 4/9/2021
HB 358, be amended as follows:

1. Page 2, line 6.
Following: "through"
Strike: "6"
Insert: "4"

2. Page 2, line 8.
Strike: "government"
Insert: "governmental"

3. Page 2, line 9.
Following: "COMPENSATION"
Strike: "damages"

4. Page 3, line 10.
Following: "of the"
Insert: "alleged"

5. Page 3, line 21.
Following: "(5)"
Insert: "(a)"

6. Page 3, line 23.
Following: "know."
Insert:"(b)"

7. Page 3, line 24.
Following: "(1)(E)"
Strike: "."
Insert: ", except in the rare instance in which:
(i) disclosure of information required to be reported by subsection (1)(c) or (1)(e) would lead to a violation of an individual's right to privacy; and
(ii) the right to privacy arising as a result of the claim outweighs the public right to know.
(c) No privacy interest may overcome the public right to know with respect to the duty to report the information in subsections (1)(b) and (1)(d)."

8. Page 3, line 28.
Strike: "PURSUANT TO 2-9-303(1)(B)"
Insert: "when monetary compensation is utilized to settle or compromise claims"

9. Page 3, line 28 through page 4, line 1.
Following: "DOCUMENTS" on page 3, line 28
Strike: "FROM THE" on page 3, line 28 through "STATE" on page 4, line 1
Insert: "signed by an appropriate official, including"

10. Page 4, line 2.
Strike: "CERTIFYING"
Insert: "a statement"

11. Page 4, line 4.
Strike: "DESCRIBING"
Insert: "a detailed description of"
Following: "THE"
Insert: "alleged"

12. Page 4, line 5 through line 6.
Strike: "AND" on line 5 through "SETTLE" on line 6
Insert: ", and the state's defenses, including legal and factual defenses at issue in"

13. Page 4, line 13 through line 14.
Strike: "agency" on line 13 through "attached" on line 14
Insert: "governmental"

14. Page 4, line 14.
Strike: "capturing:"

15. Page 4, line 15 through line 21.
Strike: "(A)" on line 15 through "filed" on line 21
Insert: "disclosing all civil claims or complaints, including the identity of the court or entity of the state where the complaint is filed, received by or for which service of process has been perfected with initial demands seeking $10,000 or more in monetary compensation, exclusive of initial demands made in mediations or settlement conferences in which court rules or orders preclude disclosure of demands"

16. Page 4, line 22.
Strike: "SUBSECTION (1)(B)"
Insert: "this section"

17. Page 4.
Following: line 23
Insert: "(3) Claims for injunctive relief need not be reported as claims seeking monetary compensation.
(4) Demands deemed to be frivolous by governmental entities need not be reported under this section, and judicial review is not available to challenge any such determination made by a governmental entity. If a governmental entity does not disclose a claim or complaint in a quarterly report because the claim is deemed to be frivolous, the governmental entity shall disclose the number of claims or complaints not disclosed under the exemption in this subsection."

18. Page 5, line 9 through line 10.
Strike: "that" on line 9 through "beneficial" on line 10
Insert: "at issue"

And, as amended, be concurred in.

HB 481, be amended as follows:

1. Page 1, line 25.
Following: "piping,"
Insert: "and"

2. Page 1, line 26.
Following: "facility"
Strike: ", and natural gas production facilities"

3. Page 2, line 15.
Following: "oil or"
Insert: "natural"

4. Page 3, line 6.
Strike: "or enters"
Insert: "on"

5. Page 3, line 7 through line 13.
Strike: subsections (a) and (b) in their entirety
Insert: "(a) that is completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders with intent to willfully damage, destroy, vandalize, deface, tamper with equipment, or materially impede or inhibit operations of the facility shall, on conviction, be guilty of a felony punishable by a fine of not more than $4,500 or by imprisonment for not more than 18 months or both; and
(b) that is clearly marked with a sign or signs that are posted on the property that indicate that entry is forbidden without site authorization with intent to willfully damage, destroy, vandalize, deface, tamper with equipment, or materially impede or inhibit operations of the facility shall, on conviction, be guilty of a felony punishable by a fine of not more than $4,500 or by imprisonment for not more than 18 months or both."

6. Page 3, line 15 through line 16.
Following: "facility" on line 15
Strike: "shall" on line 15 through "both." on line 16
Insert: ":
(a) causing less than $1,500 in damages shall, on conviction, be guilty of a misdemeanor and may be incarcerated for any term not to exceed 6 months or be fined an amount not to exceed $500, or both, and must be ordered to make restitution in an amount and manner to be set by the court; and
(b) causing damages greater than $1,500 shall, on conviction, be guilty of a felony punishable by a fine of not more than $150,000 or by imprisonment for not more than 30 years, or both."

7. Page 3, line 17.
Strike: "a conspirator"
Insert: "in a conspiracy, as the term is used in 45-4-102,"

8. Page 3, line 18.
Strike: "shall"
Insert: "may"

9. Page 3, line 18.
Strike: "that is"
Insert: "up to"

10. Page 3, line 22.
Following: "facility"
Insert: "that is completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or that is clearly marked with a sign or signs that are posted on the property that indicate that entry is forbidden without authorization, and enters with intent to willfully damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the facility"

11. Page 3, line 24.
Following: "that"
Insert: "directs a person to trespass as described in subsection (1),"

And, as amended, be concurred in.

HB 537, be amended as follows:

1. Page 1.
Following: line 21
Insert: "**Section 2.** Section 2-4-702, MCA, is amended to read:

"**2-4-702. (Temporary) Initiating judicial review of contested cases.** (1) (a) Except as provided in 75-2-213 and 75-20-223, a person who has exhausted all administrative remedies available within the agency and who is aggrieved by a final written decision in a contested case is entitled to judicial review under this chapter. This section does not limit use of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by statute.

(b) A party who proceeds before an agency under the terms of a particular statute may not be precluded from questioning the validity of that statute on judicial review, but the party may not raise any other question not raised before the agency unless it is shown to the satisfaction of the court that there was good cause for failure to raise the question before the agency.

(2) (a) Except as provided in 75-2-211, 75-2-213, and subsections (2)(c) and (2)(e) of this section, proceedings for review must be instituted by filing a petition in district court within 30 days after service of the final written decision of the agency or, if a rehearing is requested, within 30 days after the written decision is rendered. Except as otherwise provided by statute ~~or~~, subsection (2)(d), or subsection (2)(e), the petition must be filed in the district court for the county where the petitioner resides or has the petitioner's principal place of business or where the agency maintains its principal office. Copies of the petition must be promptly served upon the agency and all parties of record.

(b) The petition must include a concise statement of the facts upon which jurisdiction and venue are based, a statement of the manner in which the petitioner is aggrieved, and the ground or grounds specified in 2-4-704(2) upon which the petitioner contends to be entitled to relief. The petition must demand the relief to which the petitioner believes the petitioner is entitled, and the demand for relief may be in the alternative.

(c) If a petition for review is filed pursuant to 33-16-1012(2)(c), the workers' compensation court, rather than the district court, has jurisdiction and the provisions of this part apply to the workers' compensation court in the same manner as the provisions of this part apply to the district court.

(d) If a petition for review is filed challenging a licensing or permitting decision made pursuant to Title 75 or Title 82, the petition for review must be filed in the county where the facility is located or proposed to be located or where the action is proposed to occur.

(e) (i) A party who is aggrieved by a final decision on an application for a permit or change in appropriation right filed under Title 85, chapter 2, part 3, may petition the district court or

the water court for judicial review of the decision. If a petition for judicial review is filed in the water court, the water court rather than the district court has jurisdiction and the provisions of this part apply to the water court in the same manner as they apply to the district court. The time for filing a petition is the same as provided in subsection (2)(a).

(ii) If more than one party is aggrieved by a final decision on an application for a permit or change in appropriation right filed under Title 85, chapter 2, part 3, the district court where the appropriation right is located has jurisdiction. If more than one aggrieved party files a petition but no aggrieved party files a petition in the district court where the appropriation right is located, the first judicial district, Lewis and Clark County, has jurisdiction.

(iii) If a petition for judicial review is filed in the district court, the petition for review must be filed in the district court in the county where the appropriation right is located.

(3) Unless otherwise provided by statute, the filing of the petition may not stay enforcement of the agency's decision. The agency may grant or the reviewing court may order a stay upon terms that it considers proper, following notice to the affected parties and an opportunity for hearing. A stay may be issued without notice only if the provisions of 27-19-315 through 27-19-317 are met.

(4) Within 30 days after the service of the petition or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be required by the court to pay the additional costs. The court may require or permit subsequent corrections or additions to the record. (Terminates September 30, 2025--sec. 6, Ch. 126, L. 2017.)

2-4-702. (Effective October 1, 2025) Initiating judicial review of contested cases. (1) (a) Except as provided in 75-2-213 and 75-20-223, a person who has exhausted all administrative remedies available within the agency and who is aggrieved by a final written decision in a contested case is entitled to judicial review under this chapter. This section does not limit use of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by statute.

(b) A party who proceeds before an agency under the terms of a particular statute may not be precluded from questioning the validity of that statute on judicial review, but the party may not raise any other question not raised before the agency unless it is shown to the satisfaction of the court that there was good cause for failure to raise the question before the agency.

(2) (a) Except as provided in 75-2-211, 75-2-213, and subsection (2)(c) of this section, proceedings for review must be instituted by filing a petition in district court within 30 days after service of the final written decision of the agency or, if a rehearing is requested, within 30 days after the written decision is rendered. Except as otherwise provided by statute or subsection (2)(d), the petition must be filed in the district court for the county where the petitioner resides or has the petitioner's principal place of business or where the agency maintains its principal office. Copies of the petition must be promptly served upon the agency and all parties of record.

(b) The petition must include a concise statement of the facts upon which jurisdiction and venue are based, a statement of the manner in which the petitioner is aggrieved, and the ground or grounds specified in 2-4-704(2) upon which the petitioner contends to be entitled to relief. The petition must demand the relief to which the petitioner believes the petitioner is entitled,

and the demand for relief may be in the alternative.

(c) If a petition for review is filed pursuant to 33-16-1012(2)(c), the workers' compensation court, rather than the district court, has jurisdiction and the provisions of this part apply to the workers' compensation court in the same manner as the provisions of this part apply to the district court.

(d) If a petition for review is filed challenging a licensing or permitting decision made pursuant to Title 75 or Title 82, the petition for review must be filed in the county where the facility is located or proposed to be located or where the action is proposed to occur.

(3) Unless otherwise provided by statute, the filing of the petition may not stay enforcement of the agency's decision. The agency may grant or the reviewing court may order a stay upon terms that it considers proper, following notice to the affected parties and an opportunity for hearing. A stay may be issued without notice only if the provisions of 27-19-315 through 27-19-317 are met.

(4) Within 30 days after the service of the petition or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be required by the court to pay the additional costs. The court may require or permit subsequent corrections or additions to the record.""

Renumber: subsequent sections

And, as amended, be concurred in.

HB 553, be amended as follows:

1. Title, line 5 through line 6.
Strike: "PROVIDING" on line 5 through "SENTENCES;" on line 6

2. Title, line 6.
Strike: "SECTIONS"
Insert: "SECTION"

3. Title, line 7.
Following: "46-18-201"
Strike: "AND 46-18-208"

4. Title, line 7 through line 8.
Strike: "IMMEDIATE" on line 7 through "RETROACTIVE" on line 8

5. Page 1, line 27.
Following: "(b)"
Insert: "(i)"

6. Page 1, line 27.
Strike: "A"
Insert: "Except as provided in subsections (2)(b)(ii) and (2)(b)(iii), a"

7. Page 1, line 28.
Following: "community"
Insert: "as a probationer"

8. Page 2, line 2.
Strike: "(i)"
Insert: "(A)"

9. Page 2.
Following: line 2
Insert: "(B) 20 years for an offender convicted of deliberate homicide, as defined in 45-5-102, or mitigated homicide, as defined in 45-5-103;"

10. Page 2, line 3.
Strike: "(ii)"
Insert: "(C)"
Following: "46-23-502"
Insert: ", and for an offender convicted of negligent homicide, as defined in 45-5-104, or vehicular homicide while under the influence, as defined in 45-5-106"

11. Page 2, line 4.
Strike: "(iii)"
Insert: "(D)"

12. Page 2, line 6.
Strike: "(iv)"
Insert: "(E)"

13. Page 2.
Following: line 6
Insert: "(ii) The provisions of subsections (2)(b)(i)(A) and (2)(b)(i)(B) do not apply if the sentencing judge finds that a longer term of supervision is needed for the protection of society or the victim. The sentencing judge shall state as part of the sentence and the judgment the reasons a longer suspended sentence is needed to protect society or the victim.
(iii) The provisions of subsections (2)(b)(i)(A) and (2)(b)(i)(B) do not apply to violations of 45-6-301 if the amount of restitution ordered exceeds $50,000."

14. Page 5, line 4 through page 6, line 21.
Strike: sections 2 through 4 in their entirety
Insert: " NEW SECTION. **Section 2.** {standard} **Saving clause**. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."
Insert: " Coordination SECTION. **Section 3. Coordination instruction**. If both House Bill No. 391 and [this act] are passed and approved, then [section 1(2)(b)(i)(C) of this act], amending

46-18-201, must read as follows:
"(C) 15 years for a violent offender, as defined in 46-23-502, an offender convicted of negligent homicide, as defined in 45-5-104, vehicular homicide while under the influence, as defined in 45-5-106, or criminal distribution of dangerous drugs that results in the death of an individual from use of the dangerous drug, as provided in 45-9-101(5);""
Insert: "NEW SECTION. **Section 4. Applicability**. [This act] applies to crimes committed on or after [the effective date of this act]. "

And, as amended, be concurred in.

HB 559, be amended as follows:

1. Page 2, line 8.
Following: "acquittal,"
Insert: "or if the disclosure may be in the public interest,"

2. Page 2, line 16.
Following: "(A)"
Insert: "make reasonable efforts to"
Following: "to a"
Insert: "victim of the alleged offense and any"

3. Page 2, line 16.
Following: "with a"
Insert: "protected"

4. Page 2, line 25.
Strike: "60"
Insert: "30 calendar"

5. Page 4, line 7.
Following: "acquittal,"
Insert: "or if the disclosure may be in the public interest,"

6. Page 4, line 15.
Following: "(A)"
Insert: "make reasonable efforts to"
Following: "to a"
Insert: "victim of the alleged offense and any"

7. Page 4, line 15.
Following: "with a"
Insert: "protected"

8. Page 4, line 24.

Strike: "60"
Insert: "30 calendar"

And, as amended, be concurred in.

STATE ADMINISTRATION (Kary, Chair): 4/9/2021
HB 277, be amended as follows:

1. Title, line 7.
Following: "PRODUCE"
Strike: "3-YEAR"

2. Title, line 8 through line 10.
Strike: "ALLOWING" on line 8 through "LEGISLATION;" on line 10

3. Title, line 10 through line 11.
Strike: "REPEALING" on line 10 through "PROCESS;" on line 11

4. Title, line 12.
Strike: "SECTIONS"
Insert: "SECTION"

5. Title, line 12 through line 13.
Strike: "17-7-111," on line 12 through "17-7-123," on line 13

6. Page 1, line 18.
Strike: "8"
Insert: "7"

7. Page 1, line 23 through line 28.
Strike: "state" on line 23 through "(c)" on line 28

8. Page 1, line 28.
Following: "a"
Strike: "multiyear"

9. Page 1, line 28 through page 2, line 1.
Following: "measures" on line 28
Strike: remainder of line 28 through "allow" on page 2, line 1
Insert: "allows"

10. Page 2, line 2.
Strike: "departments intend"
Insert: "a department intends"

11. Page 2, line 2 through line 3.
Strike: "any" on line 2 through "accomplish," on line 3

12. Page 2, line 3.
Following: the first "and"
Insert: "creates a basis to evaluate"
Following: "has"
Strike: "successfully and optimally"

13. Page 2, line 4.
Following: line 3
Strike: "long-range"

14. Page 2, line 5.
Strike: "(d)"
Insert: "(b)"
Renumber: subsequent subsections

15. Page 2, line 5 through line 6.
Following: "that" on line 5
Strike: remainder of line 5 through line 6 in their entirety

16. Page 2, line 8.
Strike: "."
Insert: ";"

17. Page 2, line 8 through line 10.
Strike: "." on line 8
Insert: ";"
Strike: remainder of line 8 through line 10 in their entirety

18. Page 2, line 13.
Strike: "measuring"
Insert: "establishing"

19. Page 2, line 13 through line 14.
Strike: "whether" on line 13 through "efficiently" on line 14
Insert: "performance measures"

20. Page 2, line 14.
Strike: "would"
Insert: "can"

21. Page 2, line 14.
Following: "coordination,"
Insert: "better understand resource needs, determine whether programs are operating efficiently,"

22. Page 2, line 15.
Strike: "better"
Insert: "superior"

23. Page 2, line 15 through line 25.
Strike: ";" on line 15 through "public" on line 25

24. Page 2, line 26.
Strike: "8"
Insert: "7"

25. Page 2, line 27.
Strike: the first "and"
Insert: "that"

26. Page 2, line 27.
Following: "that"
Insert: "results in the development of performance measures"

27. Page 2, line 27.
Strike: "provide for more cost-effective,"
Insert: "facilitate"

28. Page 2, line 27.
Following: "efficient,"
Insert: "transparent, accountable,"

29. Page 2, line 27 through line 28.
Strike: "by" on line 27 through the second "and" on line 28
Insert: "with annual performance reports to"

30. Page 3, line 3.
Strike: "8"
Insert: "7"

31. Page 3, line 6.
Strike: "long-range"
Insert: "established"

32. Page 3, line 10 through line 13.
Strike: subsection (4) in its entirety
Insert: "(4) "Mission and vision statement" means a written statement describing a department's purpose, what it intends to do, and whom it intends to serve."

33. Page 3, line 14.

Following: "written"
Insert: "or electronic"
Following: "designed"
Strike: "as an indicator"

34. Page 3, line 14 through line 15.
Strike: "assess" on line 14 through "department" on line 15
Insert: "assess what a department aspires to achieve"

35. Page 3, line 15.
Following: "published"
Strike: "long-range"

36. Page 3, line 17.
Following: "quantitative."
Insert: "Performance measures are intended to focus on a department's efforts in implementing legislative intent, prioritizing goals and objectives, and allocating resources.
(6) "Strategic plan" means a written plan prepared by a department that contains the mission and vision statement, goals, and objectives that a department intends to accomplish, that is used to guide the ongoing and proposed activities of a department with performance measures for tracking success in meeting goals and objectives, that is revised regularly, and that remains in effect until replaced or revised."

37. Page 3, line 19.
Strike: "**Long-range strategic**"
Insert: "**Strategic**"

38. Page 3, line 20.
Following: "a"
Strike: "long-range"

39. Page 3, line 20 through line 21.
Strike: the first "to" on line 20 through "years" on line 21

40. Page 3, line 22.
Following: "a"
Strike: "long-range"

41. Page 3, line 23.
Following: "subsequent"
Strike: "long-range"

42. Page 3, line 23.
Strike: "on"
Insert: "no later than"

43. Page 3, line 24.
Strike: "on"
Insert: "no later than"

44. Page 3, line 25 through line 27.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

45. Page 3, line 28.
Strike: "long-range"
Insert: "department's"

46. Page 4, line 1.
Following: "mission"
Insert: "and vision"

47. Page 4, line 1 through line 2.
Strike: ", which" on line 1 through "department" on line 2

48. Page 4, line 3.
Following: "department"
Insert: ", including a discussion of the department's priorities"

49. Page 4, line 4.
Following: "benefits"
Insert: "and outcomes"

50. Page 4, line 5.
Following: "groups"
Strike: "that extend at least 3 years into the future"

51. Page 4, line 6 through line 14.
Strike: "developed" on line 6 through "plan" on line 14

52. Page 4, line 15.
Strike: "(6)"
Insert: "(4)"

53. Page 4, line 15.
Following: "(6)"
Strike: "(a)"
Following: "department's"
Strike: "long-range"

54. Page 4, line 17 through line 19.

Strike: subsection (b) in its entirety

55. Page 4, line 20.
Strike: "(c)"
Insert: "(5)"
Following: "subsequent"
Strike: "long-range"

56. Page 4, line 20.
Strike: "the"
Insert: "a"

57. Page 4, line 21.
Strike: "(i)"
Insert: "(a)"

58. Page 4, line 21 through line 22.
Strike: "long-range" on line 21 through line 22

59. Page 4, line 23.
Strike: "(A)"
Insert: "(i)"

60. Page 4, line 24.
Strike: "(B)"
Insert: "(ii)"

61. Page 4, line 24.
Following: "proposed"
Strike: "long-range"

62. Page 4, line 26.
Strike: "(ii)"
Insert: "(b)"

63. Page 4, line 26.
Following: "proposed"
Strike: "long-range"

64. Page 4, line 27.
Strike: "(iii)"
Insert: "(c)"

65. Page 4, line 28.
Strike: "(iv)"
Insert: "(d)"

Strike: "fully"

66. Page 5, line 1.
Strike: "long-range"
Insert: "proposed"

67. Page 5, line 2.
Strike: "(7)"
Insert: "(6)"

68. Page 5, line 2.
Following: "The"
Strike: "long-range"
Following: "plan"
Insert: "adopted by a department"

69. Page 5, line 7.
Strike: "(4)"
Insert: "(3)"

70. Page 5, line 7.
Strike: "(5)"
Insert: "(4)"

71. Page 5, line 9.
Strike: "the"
Insert: "a"

72. Page 5, line 9.
Following: "identify"
Strike: "the outputs produced by each program,"
Following: the third "the"
Insert: "preferred"

73. Page 5, line 9 through line 10.
Strike: "resulting" on line 9 through "with" on line 10
Insert: "with respect to"

74. Page 5, line 10.
Following: "measure"
Insert: "for each department program"

75. Page 5, line 11 through line 13.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

76. Page 5, line 13.
Strike: "The"
Insert: "An"

77. Page 5, line 13.
Following: "report"
Insert: "of a department"

78. Page 5, line 15.
Following: line 14
Strike: "long-range"

79. Page 5, line 20.
Strike: "**Performance**"
Insert: "**Periodic assessment and revision of performance**"

80. Page 5, line 20 through page 6, line 10.
Strike: subsections (1) through (5) in their entirety

81. Page 6, line 11.
Strike: "(6)"
Following: "be"
Strike: "developed and"
Following: "revised"
Strike: "as part of the strategic planning process"

82. Page 6, line 12.
Following: "less"
Insert: "frequently"

83. Page 6, line 12.
Strike: the second "the"
Insert: "a"

84. Page 6, line 12 through line 13.
Strike: "and" on line 12 through "that" on line 13
Insert: "whether"

85. Page 6, line 13.
Following: "measures"
Insert: "continue to"

86. Page 6, line 14.
Following: "the"
Strike: "long-range"

87. Page 6, line 14.
Strike: "provide a focus on serving customers"
Insert: "to measure preferred outcomes for department programs"

88. Page 6, line 16 through line 28.
Strike: section 7 in its entirety
Renumber: subsequent sections

89. Page 7, line 3.
Following: "a"
Strike: "long-range"

90. Page 9, line 5.
Strike: "8"
Insert: "7"

91. Page 9, line 6.
Strike: "8"
Insert: "7"

92. Page 9, line 22 through page 14, line 14.
Strike: sections 10 and 11 in their entirety
Renumber: subsequent sections

93. Page 14, line 28.
Strike: "8"
Insert: "7"

94. Page 15, line 1.
Strike: "8"
Insert: "7"

95. Page 15.
Following: line 2
Insert: "COORDINATION SECTION. **Section 12**. **Coordination instruction**. If both Senate Bill No. 57 and [this act] are passed and approved, then [section 1(3)(c)(i) of Senate Bill No. 57] concerning performance data from the department of public health and human services must be deleted."
Renumber: subsequent section

And, as amended, be concurred in.

HB 406, be amended as follows:

1. Title, line 7.
Strike: "REGISTRIES"
Insert: "A REGISTRY"

2. Title, line 7 through line 8.
Strike: "BALLOT" on line 7 through the first "AND" on line 8

3. Title, line 9.
Strike: "REGISTRIES"
Insert: "THE REGISTRY"

4. Title, line 11.
Strike: "PROVIDING THE SECRETARY OF STATE WITH RULEMAKING AUTHORITY;"
Following: "SECTIONS"
Insert: "13-35-702,"

5. Title, line 12.
Following: "PROVIDING"
Strike: "AN IMMEDIATE"
Insert: "A DELAYED"

6. Page 1, line 16 through page 2, line 9.
Strike: section 1 in its entirety
Renumber: subsequent sections

7. Page 2.
Following: line 10
Insert: "**Section 1.** Section 13-35-702, MCA, is amended to read:

"**13-35-702. Definitions.** As used in this part, the following definitions apply:

~~(1) "Acquaintance" means an individual known by the voter.~~

~~(2) "Caregiver" means an individual who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living home, residential care institution, adult day health care facility, or adult foster care home.~~

~~(3)~~(1) "Collect" means to gain possession or control of a ballot.

~~(4)~~(2) "Family member" means ~~an individual who is related to the voter by blood, marriage, adoption, or legal guardianship~~ a voter's spouse, an individual related to the voter by consanguinity or adoption within the second degree, an individual related to the voter's spouse by affinity or adoption within the second degree, or the legal guardian for a voter.

~~(5) "Household member" means an individual who resides at the same residence as the voter.~~" "
Renumber: subsequent sections

8. Page 2, line 17.
Following: "mail;"
Insert: "or"

9. Page 2, line 18.
Strike: subsection (c) in its entirety
Renumber: subsequent subsections

10. Page 2, line 19.
Following: "member"
Strike: ";"
Insert: "."

11. Page 2, line 20 through line 21.
Strike: subsections (e) and (f) in their entirety

12. Page 2, line 24.
Strike: "subsections (2)(c) through(2)(f)"
Insert: "subsection (2)(c)"

13. Page 2, line 24.
Following: "13-35-704"
Strike: "and [section 1], if applicable,"

14. Page 3, line 1.
Strike: "13-35-703(2)(c) through (2)(f)"
Insert: "13-35-703(2)(c)"

15. Page 3, line 8.
Following: "13-35-703(2)(c)"
Strike: "through (2)(f)"

16. Page 4, line 13 through 14.
Strike: section 6 in its entirety
Renumber: subsequent sections

17. Page 4.
Following: line 22
Insert: "NEW SECTION. **Section 8. Effective date**. [This act] is effective January 1, 2022."
18. Page 4, line 23.
Strike: section 9 in its entirety

And, as amended, be concurred in.

HB 429, be concurred in.
HB 447, be amended as follows:

1. Title, line 5.

Strike: "FILE"
Insert: "SEND A COPY OF A PROPOSAL"

2. Title, line 5 through line 6.
Strike: "OF ITS ACTION" on line 5 through "WITH THE" on line 6
Insert: "TO THE"

3. Title, line 6 through line 7.
Strike: "30 DAYS" on line 6 through "ACTION" on line 7
Insert: "WHEN IT SENDS THE NOTICE TO THE SECRETARY OF STATE FOR PUBLISHING"

4. Title, line 9.
Strike: ", 2-4-303,"
Insert: "AND"

5. Title, line 9.
Following: "2-4-305,"
Strike: "2-4-306, 2-4-307, 2-4-402, AND 2-4-403,"

6. Page 1, line 18.
Strike: "and"
Insert: ","

7. Page 1, line 18 through line 24.
Following: "action" on line 18
Insert: ","
Strike: ". The" on line 18 through "with" on line 24

8. Page 1, line 24.
Following: "~~and~~"
Insert: "and"

9. Page 1, line 25.
Following: "~~language.~~"
Insert: "The reasonable necessity must be written in plain, easily understood language."

10. Page 1, line 26.
Strike: "(c)"
Insert: "(b)"
Renumber: subsequent subsections

11. Page 1, line 26.
Following: "notice"
Strike: "under subsection (1)(b)"

12. Page 1, line 27.

Strike: "(2)(d)"
Insert: "(2)(e)"

13. Page 2, line 2.
Strike: "(2)(a)(i)"
Insert: "(2)(a)"

14. Page 2, line 6.
Following: "benefit, the"
Strike: "proposal"
Following: "notice"
Strike: "under subsection (1)(b)"

15. Page 2, line 10.
Following: "(2)(a)"
Strike: "(i)"
Following: "notice"
Strike: "under subsection (1)(b)"

16. Page 2, line 11.
Following: "2-4-312."
Insert: "When the agency files the proposal notice with the secretary of state to prepare it for publication in the register, the agency shall concurrently send an electronic copy of the proposal notice to the appropriate administrative rule review committee. If the secretary of state requires formatting changes to the proposal notice before it may be published, the agency is not required to send another copy of the proposal notice to the committee. The requirement to concurrently send a copy of the proposal notice to the committee is fulfilled if the agency sends an electronic copy to each member of the staff of the appropriate rule review committee on the same day that the notice is filed with the secretary of state.
(b) (i)"

17. Page 2, line 11.
Strike: "(2)(a)(ii)"
Insert: "(2)(b)(ii)"

18. Page 2, line 16.
Strike: "(2)(b)"
Insert: "(2)(c)"

19. Page 2, line 25.
Following: "subsection"
Insert: "(2)(b)(iii)"

20. Page 2, line 27.
Strike: "(b)"

Insert: "(c)"
Renumber: subsequent subsections

21. Page 3, line 3.
Following: "subsection (1)"
Strike: "(b)"

22. Page 3, line 4.
Following: "notice"
Strike: "required under subsection (1)(b)"

23. Page 3, line 16.
Strike: "(2)(d)"
Insert: "(2)(e)"

24. Page 3, line 18.
Strike: "(2)(d)(i)"
Insert: "(2)(e)(i)"

25. Page 3, line 19.
Strike: "(2)(a)(i)"
Insert: "(2)(a)"

26. Page 3, line 20.
Strike: "(2)(d)"
Insert: "(2)(e)"

27. Page 3, line 23.
Following: "period"
Strike: "for the published notice under subsection (1)(b)"

28. Page 3, line 26 through line 27.
Strike: "published" on line 26 through "(1)(b)" on line 27

29. Page 3, line 28.
Strike: "published"
Insert: "filed"

30. Page 4, line 1.
Following: "rulemaking"
Strike: "under subsection (1)(b)"

31. Page 4, line 16.
Strike: "(2)(a)"
Insert: "(2)(b)"

32. Page 4, line 18.
Strike: "(2)(d)"
Insert: "(2)(e)"

33. Page 5, line 6 through page 6, line 8.
Strike: section 2 in its entirety
Renumber: subsequent sections

34. Page 7, line 24.
Strike: "notices"
Insert: "notice"

35. Page 8, line 9.
Following: "notice"
Strike: "published in the register"

36. Page 8, line 11.
Following: "proposal notice"
Strike: "to make corrections to the published notice"

37. Page 8, line 14.
Following: "notice"
Strike: "published in the register"

38. Page 8, line 17.
Following: "original"
Strike: "published"

39. Page 9, line 7.
Following: "OF A"
Strike: "FEDERAL"

40. Page 9, line 8.
Strike: "FEDERAL"
Insert: "information,"

41. Page 9, line 8.
Following: "GUIDANCE"
Insert: ","

42. Page 9, line 8.
Strike: "PROMULGATION"
Insert: "adoption"

43. Page 9, line 8.
Strike: "THE FINAL QUARTER OF THE YEAR"

Insert: "October 1"

44. Page 9, line 8.
Following: "YEAR."
Insert: "A rule may only be exempted under this subsection (11)(b)(ii) if the notice required under 2-4-302(1)(a) provides a statement explaining why the unavailability of information, guidance, or notice precluded adoption of the rule before October 1."

45. Page 9, line 10 through page 13, line 23.
Strike: sections 4 through 7 in their entirety
Renumber: subsequent sections

46. Page 13, line 25.
Following: "(1)"
Strike: "[This act]"
Insert: "[Section 1] applies to rule proposals filed with the secretary of state on or after [the effective date of this act].
(2) [Section 2]"

47. Page 13, line 27.
Strike: "(2) [This act]" on line 27
Insert: "[Section 2]"

48. Page 13, line 28.
Following: "adoption"
Insert: "on or"

And, as amended, be concurred in.

HB 506, be amended as follows:

1. Page 1, line 18 through line 19.
Strike: "SUBMITTED" on line 18 through "be" on line 19

2. Page 1, line 19 through line 20.
Strike: "processed" on line 19 through "administrator" on line 20
Insert: "may not be issued to the individual and the individual may not cast a ballot"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 9, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, MT 59601

Dear President Blasdel:

On Thursday, April 8th I signed **Senate Bill 60 -** Flowers.

The bill has been delivered to the Secretary of State.

Sincerely,

GREG GIANFORTE
Governor

April 12, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, MT 59601

Dear President Blasdel:

Senate Bill 58 - Cuffe
Senate Bill 113 - Fitzpatrick
Senate Bill 120 - Esp
Senate Bill 127 - Friedel
Senate Bill 145 - Fitzpatrick
Senate Bill 193 - Hinebauch
Senate Bill 221 - Gauthier
Senate Bill 305 - Lang

The bills have been delivered to the Secretary of State.

Sincerely,

GREG GIANFORTE
Governor

April 12, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, MT 59601

Dear President Blasdel:

On Sunday, April 11th I signed the following bills:

Senate Bill 131 - Salomon
Senate Bill 161 - Esp
Senate Bill 339 - Pomnichowski

The bills have been delivered to the Secretary of State.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/9/2021

SB 63, introduced by D. Ankney
SB 83, introduced by B. Hoven
SB 99, introduced by C. Smith
SB 121, introduced by T. Jacobson
SB 136, introduced by S. Fitzpatrick
SB 157, introduced by S. Hinebauch
SB 166, introduced by T. Gauthier
SB 206, introduced by M. Sweeney
SB 238, introduced by T. Gauthier

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/9/2021

SB 199, introduced by G. Hertz
SB 287, introduced by W. Sales
SB 367, introduced by S. Morigeau

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Salomon in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJ 5 - Majority Leader Smith moved consideration of **HJ 5** be passed for the day. Without objection, so ordered.

HB 337 - Majority Leader Smith moved consideration of **HB 337** be passed for the day. Without objection, so ordered.

SR 97 - Majority Leader Smith moved **SR 97** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Manzella.
Total 1

Absent or not voting: None.
Total 0

HB 450 - Senator Esp moved **HB 450** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Cohenour, Ellis.

Total 2

Voted absentee: None.

Excused: Manzella.
Total 1

Absent or not voting: Boldman.
Total 1

HB 578 - Senator McGillvray moved **HB 578** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Manzella.
Total 1

Absent or not voting: None.
Total 0

HB 517 - Senator K. Regier moved **HB 517** be concurred in. Motion carried as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Webber.
Total 18

Voted absentee: None.

Excused: Manzella.

Total 1

Absent or not voting: None.
Total 0

HB 391 - Senator Friedel moved **HB 391** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Manzella.
Total 1

Absent or not voting: None.
Total 0

HB 92 - Senator K. Regier moved **HB 92** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Manzella.
Total 1

Absent or not voting: None.
Total 0

HB 509 - Senator Friedel moved **HB 509** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 34

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Glimm, Hinebauch, Kary, Keenan, Lang, Osmundson, Smith C, Vance, Mr. President.
Total 15

Voted absentee: None.

Excused: Manzella.
Total 1

Absent or not voting: None.
Total 0

HB 498 - Senator Gillespie moved **HB 498** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: Manzella.
Total 1

Absent or not voting: None.
Total 0

HB 554 - Senator Lang moved **HB 554** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr.

President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Manzella.
Total 1

Absent or not voting: None.
Total 0

HB 549 - Senator Gross moved **HB 549** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Manzella.
Total 1

Absent or not voting: None.
Total 0

HB 477 - Senator Glimm moved **HB 477** be concurred in. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Ankney.

Total 1

Voted absentee: None.

Excused: Manzella.
Total 1

Absent or not voting: None.
Total 0

HB 503 - Senator McGillvray moved **HB 503** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Manzella.
Total 1

Absent or not voting: None.
Total 0

HB 483 - Senator Kary moved **HB 483** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Manzella.

Total 1

Absent or not voting: None.
Total 0

SB 47 - **House Amendments** - Senator Lynch moved House amendments to **SB 47** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Manzella.
Total 1

Absent or not voting: None.
Total 0

HB 221 - Senator Small moved **HB 221** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber.
Total 33

Nays: Ellsworth, Esp, Friedel, Glimm, Hertz, Hinebauch, Kary, Keenan, Lang, McGillvray, Regier K, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 16

Voted absentee: None.

Excused: Manzella.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes, made by Senator Jacobson under Motions.

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Senator Manzella present at this time.

Chair Salomon moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 44

Nays: Boland, Cohenour, Friedel, Pomnichowski, Pope, Webber.
Total 6

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 276 concurred in as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Ankney.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 300 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 302 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 365 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 423 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 449 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 462 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Mr. President.
Total 45

Nays: Esp, Kary, Keenan, Vance, Welborn.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 476 failed as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Webber.
Total 23

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 27

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 479 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 501 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 539 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 8 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: McClafferty, O'Brien, Pomnichowski.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 106, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 163, **as amended by the House**, passed as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 47

Nays: Ankney, Lynch, Welborn.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 309, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 44

Nays: Ellsworth, Keenan, Lynch, McGillvray, Smith C, Welborn.
Total 6

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **HB 92**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 578**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 655** be taken from the Business, Labor and Economic Affairs Committee and re-referred to the Select Committee on Marijuana Law. Without objection, so ordered.

Senator Jacobson moved to change his second reading vote on **HB 221** from No to Yes. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the coming week.

Colin Janik from Whitehall, Montana, sponsored by Senator Tempel
Ryan Weber from Park City, Montana, sponsored by Senator Ellsworth
Nat'aani Holds the Enemy from Hardin, Montana, sponsored by Senator Small
Caileigh Martin from Stevensville, Montana, sponsored by Senator Manzella

On Sunday, April 11, 2021, the Montana Legislature met to recognize and record the passing of former members of the Senate and House of Representatives. Memorials of those members

are included in this journal beginning on the following page.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, April 13, 2021, the seventieth legislative day. Motion carried.

Senate adjourned at 2:42 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

HARRY K. BERG

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Harry K. Berg on May 8, 2020 at the age of 76. It is fitting and proper that the record and accomplishments of Harry Berg be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Harry Berg was the seventh of eight children born to Henry and Ruth Berg. He was raised on a ranch south of Shawmut, and he learned early that work and perseverance were needed for success. He attended grade school, along with, at the most, 6 fellow students in a small log cabin schoolhouse about the size of a modern living room with no electricity or running water. He attended high school in Big Timber where he participated in sports and music. After high school he joined the Army Reserve and was discharged in 1968. He worked his way through Montana State University and graduated with a bachelor's degree in 1975 and a master's in education.

Harry married Linda Yost in 1967. Linda was the girl next door … but that was 20 miles away. In 1968 they moved to Great Falls and Harry began a 27-year teaching career with the Great Falls Public Schools. He was very active in the education association, serving in many capacities at the local, state, and national levels. He also worked for H&R Block for 15 years.

He became politically active and was elected to the Montana State Senate in 1980 and served one term.

In 1984 Harry and Linda were blessed with their only son, Eric. Retiring from teaching in 1994 allowed Harry and Eric lots of quality time together, forming a truly special bond. One of Harry's proudest moments was serving as Best Man in Eric's wedding to Jessica Purdy in 2019.

Harry was preceded in death by his parents, Henry and Ruth, brothers John, Richard and Ben; brother-in-law Lawrence Gee; and sisters-in-law Theresa and Nyla Berg. He is survived by his wife Linda; son Eric (Jessica); sister Mary Jane (Tookie) Gee; brother Arnold (Diane), Lloyd (Linda) and Glenn (Holly); sister-in-law Joan Berg and many wonderful nieces, nephews, cousins and friends.

GENE NORMAN ERNST

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Gene Norman Ernst on June 30, 2020 in Stanford at the age of 92. It is fitting and proper that the record and accomplishments of Gene Norman Ernst be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Gene was born in Great Falls to Jacob and Gertrude Ernst of Stanford. He was raised on the family homestead four miles northeast of Stanford. After graduating from Stanford High School, Gene joined the U.S. Air Force and served as an Information Specialist at Lowry Air Force Base in Colorado for two years.

After the service, he attended and graduated in 1951 with a bachelor's degree in ag science from Montana State University. Later that summer Gene married Geraldine Worth of Butte, and they returned to the family farm where they farmed and ranched and raised their family.

Gene was a lifetime member of the Stanford Presbyterian Church. He was also active in the Masonic Lodge, Order of Eastern Star, Shriners, the Montana Grain Growers Association and the American Legion. He served over 10 years as Post Commander for the American Legion in Stanford.

From 1976 to 1986 he served in the Montana House of Representatives.

Gene had a gentle disposition, and he enjoyed giving his time to help his family and others in his community. Gene's sense of humor and grit were present throughout his entire life and will be forever remembered by his family.

Gene was preceded in death by his beloved wife of 46 years, Gerry; his son, Daniel; and his parents, Jacob and Gertrude. He is survived by his brother, Norman Ernst of Lewistown; by his children Ward Ernst; Lennie (Amy) Ernst and Debbie Ernst. He is also survived by six grandchildren, numerous great grandchildren, nieces and nephews.

CLAYTON ROSS FISCUS

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Clayton Ross Fiscus on November 10, 2020 at the age of 84 in Billings. It is fitting and proper that the record and accomplishments of Clayton Ross Fiscus be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Clayton Fiscus was born in Belle Fourche, South Dakota on July 11, 1936 to Vernon Ross Fiscus and Tima Rivers Fiscus. He graduated from Newell High School and completed one year of college in Brookings, South Dakota before joining the Navy and serving on the USS Forrestal, United States 6th fleet as a heavy equipment operator, lineman and general foreman from 1962-1971.

In 1962 he met and married the love of his life of 58 years, Lurlene (Lori) Jo Foillette, and they had two children. In 1971 Clayton suffered an industrial accident when he was electrocuted, severely burned, and nearly died. He lost his left arm, left leg, and was catastrophically disabled.

After rehabilitation he went into real estate as a salesman/broker and opened Fiscus Realty in 1977. In 1991 he was named Realtor of the Year. He invested in real estate, developed subdivisions, worked with homebuilders, and did new construction projects. He loved and respected his colleagues in the real estate industry.

Clayton was passionate about helping his community and making a difference in people's lives. He served in the Billings Heights Kiwanis Club and was awarded Kiwanian of the Year in 1980-81. He also served as the Director of the Special K Ranch.

In 2012 Clayton won a seat in the Montana House of Representatives. He served in the 2013 and 2015 sessions. He served on the Judiciary, Transportation, and Fish, Wildlife and Parks committees.

Clayton was preceded in death by his brother LeRoy and his parents Vernon and Tima. He is survived by his wife Lori Fiscus, son Vincent Fiscus, daughter Denise Fiscus, former son-in-law Mike Homme as well as cousins, several nieces and nephews and many good friends who are called family.

KELLY FRANCIS FLYNN

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Kelly Francis Flynn on March 3, 2021 after a four-year battle with cancer. It is fitting and proper that the record and accomplishments of Kelly Flynn be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Kelly Flynn was born on October 4, 1954 in Townsend to Frank and Rose Flynn. He worked hard on the family ranch and began his lifetime love of sports. The "Flyin' Flynns" terrorized the basketball court, and Kelly went on to a track career which took him to Western Montana College and then to Denmark for several years. He coached Montana distance runners and trained future coaches.

After his time in Denmark, Kelly returned to the family ranch and the mountains he loved. The family created what was called "a paradise for hunters, summer vacationers and family at Hidden Holly Hideaway." He believed that he was a just temporary steward of the land, and worked to create healthy forests, nurture productive fields and protect wildlife. He was a cowboy and outdoorsman, and he guided guests and hunters around the mountains on horseback.

Kelly's love of the land and his strong desire to serve his community and his state led him to the Montana Legislature. He served in the Montana House of Representatives from 2010-2018. He was proud of his work on conservation legislation and supporting constituents. On his final day in the House, as he made the sine die motion he urged people to "Remember the past, plan for the future, but live for today."

Kelly was preceded in death by his parents and his brothers Joel and Steven. He is survived by his wife Jill; his daughters Shannon (Lynn) Reynolds and Siobhan; his twin brother and best friend Kevin (Nora); brothers Gary (Theresa) and Bryan (Emulyn); sisters Loralee (Dave) Wilkey and Teresa (Dan) Artz; and sisters-in-law Peggy Flynn and Sharon Flynn.

WILLIAM E. "BILL" GLASER

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Bill Glaser on March 5, 2021. It is fitting and proper that the record and accomplishments of Bill Glaser be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Bill Glaser was born to O.R. and Phyllis Dorr Glaser and spent his first 20 years in southern California attending school and working in his father's TV and radio shop. In the early 1960s Bill moved to Montana to work for the Anaconda Company. In 1962 he returned to California, got married, had two sons, got into the communications business and divorced.

In 1970 Bill married the love of his life, Patsy Blake Willis, and the couple moved to her family ranch on Indian Creek east of Billings. Patsy's family says that she joined Bill's family with four vociferous teenagers and an outspoken mother.

Bill's talent and ambition became evident in Montana. He started a communications business and an internet business and began what would become a volunteer fire department. He learned to fly in order to get around Montana and Wyoming for business. He did the sound for some annual summer fairs and became well acquainted with many famous entertainers, including Charley Pride.

Bill served in the Montana House of Representatives from 1987 to 1990, the Montana Senate in the 1997-2001 sessions, then returned to the House for the 2005-2009 sessions. He served on the Education, Taxation, Local Government and Appropriations committees.

Bill and Patsy ran a busy business out of their large ranch home but found time to enjoy their family. According to Patsy, Bill enjoyed this chaotic life far better than his quiet life in California.

Bill is survived by Patsy; sons Mark (Grace) and Mike (Susannah), stepchildren Linda Grosskopf, Gwin Taft, Mike (Debbie) Hammond and Nancy (Scott) Morrison; 15 grandchildren 19 great-grandchildren, 4 great-great-grandchildren; sisters, brother, and nieces and nephews.

EMILY SWANSON HIBBARD

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Emily Swanson Hibbard on June 26th, 2019. It is fitting and proper that the record and accomplishments of Emily Swanson Hibbard be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Emily Swanson Hibbard was born on January 12, 1947 in Oak Brook, Illinois to Oliver Gordon Stonington MD and Catherine Davis Stonington. She was raised in Denver where she began her lifelong devotion to horses. Emily graduated from Bennington College in Vermont, and she earned a Master of Education at the University of California at Berkeley.

With a desire to teach, she got a job as an Outward-Bound instructor in Colorado. Eventually, she became an elementary school teacher, spurring the idea to create the Bozeman Environmental Education program.

Emily moved to Bozeman in 1978. Not usually domestic, she sewed an 18-foot tipi with a Singer sewing machine where she lived for 18 months while overseeing the construction of her home in Kelly Canyon.

She served two terms in the Montana House of Representative (one as minority leader) and one term in the Montana State Senate. While in office she served as the Chair of the Western Interstate Commission of Higher Education.

While serving as a legislator, she crossed party lines, falling in love and eventually marrying Republican Senator Chase Hibbard. Emily became a participating partner on his family ranch, embracing the demands of a large-scale operation. Throughout her life, Emily always had a dog at her side and horses waiting to ride. Chase and Emily had a fabulous partnership nourishing each other's political views, testing each other's athletic and competitive spirits, and supporting each other to be engaged citizens.

Emily is survived by her husband Chase Hibbard, daughter Natalie Wysocki (Kevin), her grandchildren Tate, Gianna and Georgia Wysocki, stepchildren Tyler (Heather) Hibbard and Marshall Hibbard (Terah) and step grandchildren James and Laine Hibbard. She is also survived by her siblings Dave, Gordo, Pete, and Jani Stonington, nieces and nephews, and an amazing and diverse network of friends. She was preceded in death by her son Erik Swanson.

JUDITH HELEN "JUDY" JACOBSON

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Judy Jacobson on June 22, 2019 in Butte. It is fitting and proper that the record and accomplishments of Judy Jacobson be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Judy was born February 26, 1939, in South Bend, Indiana to Robert and Leah (Alexander) Haxton. She was raised and educated in Milwaukee, Wisconsin, and attended the University of Wisconsin in Madison.

She married Dr. John R. Jacobson in Milwaukee on November 30, 1963 and together they made their home in Butte. Judy and John celebrated 55 years of marriage on November 30, 2018.

Judy earned a bachelor's degree in Society and Technology from Montana Tech, and her husband, children, mother and grandchildren proudly watched her walk across the stage to accept that degree in 1995, graduating as Salutatorian of her class and Valedictorian of her section.

In 1980, Judy was appointed to the Montana State Senate and was the first female state senator from Butte. She was re-elected in 1982 and served in the Senate until 1996. Judy was the chair of the Senate Finance & Claims Committee.

Judy was elected Chief Executive of Butte-Silver Bow in 2000 and served one term, deciding to leave public service to spend more time with her grandchildren and traveling with John.

Besides her parents, she is preceded in death by her son, Eric, sister, Leah Rae Jamiolkowski and her parents-in-law, Ray and Marion Jacobson. Survivors include her husband, Dr. John R. Jacobson of Butte, daughters and sons-in-aw, Wendy (Skip) Dobbs, Jo Dee (Mark) Black; grandchildren: Jacob, Amber, Jennifer, Mikey, Megan, Matt, Abbie, and Doug. Great-grandchildren: Kayson Ray, Lillian, Mae Ann, Weston, and Gracie; her brothers-in-law and sisters-in-law, Lee and Judy Jacobson and Dan and Nancy Jamiolkowski as well as numerous nieces and nephews.

CLEVE J. LONEY

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Cleve Loney on August 22, 2020, in a kayak accident on the Missouri River. It is fitting and proper that the record and accomplishments of Cleve Loney be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Cleve Loney was born on November 5, 1950 on a ranch outside of Highwood. Rodeo was his first love and spanned over 29 years. He received a rodeo scholarship to Sheridan College but transferred to Montana State University after winning his first regional championship. A member of the MSU 1972 rodeo National Championship Team, he competed at the National Final Rodeo in saddle bronc riding in 1973 and was the event's Rookie of the Year. He is a member of the MSU Athletics Hall of Fame and the Montana Pro Rodeo Hall of Fame.

He worked as a movie wrangler on 14 movies, including "Return to Lonesome Dove." He owned and operated a ranch in the Arlee area for twelve years, running 350 head of cattle and horses. Cleve obtained his real estate license and worked in farm and ranch real estate for over 35 years. He also served as a brand inspector for several decades.

Cleve was well known in northcentral Montana for his political activity and his activism on behalf of child abuse victims. He was the current Cascade County Republican Party chairman and a delegate to the 2012 Republican National Convention. He drove in presidential motorcades for the Great Falls visits of Presidents Bush and Trump. He served in the Montana House of Representatives in the 2011 session.

Cleve is survived his wife, Cyndi Baker; his son, Jeb; his daughter Raegen; Melva, the mother of his children; stepdaughters Rachel (Jason) Dittman, Arie Baker and Toriah (Paul) Amidon), a granddaughter, step-grandchildren, his sister Sharon Ruple, nieces and nephews.

JAMES "JIM" LUCAS

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of James "Jim" Lucas on April 10, 2020. It is fitting and proper that the record and accomplishments of Jim Lucas be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Jim was born on April 7, 1927 in Worland, Wyoming, the oldest of five children born to immigrant parents, his Dad Pete from Greece and his Mom Helen from Germany. The family moved to Miles City, and Jim graduated from Custer County High School at the age of 16 and attended Miles Community College.

Jim transferred to the University of Montana before being drafted into the Army. He served as an Artillery Specialist and Military Intelligence Officer until the end of World War II. He returned to UM, received his BA and law degrees, and returned to Miles City as a partner in the Leavitt and Lucas law firm. He was the Custer County Attorney for ten years and a member of the Miles Community College Board of Trustees for 59 years. The Administration Building at MCC was named James P. Lucas Hall in his honor.

Jim played American Legion baseball in high school, pitching for the State Championship team, and heplayed varsity basketball and baseball for the Grizzlies. After playing semi-pro baseball for nine years, he turned down an offer from the Brooklyn Dodgers to practice law.

Jim was elected to the Montana House of Representatives in 1963. He served five terms and was the Minority Leader in 1965, the Majority Leader in 1967, and the Speaker of the House in 1969 and 1971.

While in the Capitol he met and fell in love with Carol Duncan from Butte who was working for the Legislative Council. Carol died nine months to the day before Jim died ... on their 54th wedding anniversary.

Jim was preceded in death by his wife Carol, his parents and four siblings, Don, Dorothy Ann, Betty and Bob. He is survived by his children, James II (Holly), Mark (Rachel), Leslie, and Todd (Robbi), 11 grandchildren and 5 great-grandchildren.

RON MARLENEE

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Former Congressman Ron Marlenee on April 26, 2020 in Bozeman. It is fitting and proper that the record and accomplishments of Ron Marlenee be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Ron Marlene was born August 8, 1935 in Scobey, Montana to Charles and Margaret (Darchuk) Marlenee. He was later joined by brothers Bob and Lanny. The family homesteaded in a tarpaper shack north of Scobey and operated a farm through both a depression and a world war.

Ron married Carmen Willard and together they had five children, David, Mike, Sheila, Casey, and Allison. In 1978, he married Cyndi Tiemann who became his wife, political partner, and best hunting and fishing buddy.

In 1976, Ron was elected to the US House of Representatives in what was a rare Republican win in a disastrous election for the GOP on the heels of Watergate. When Ron got elected to the US Congress, there was only one other statewide Republican in office and that was Sonny Omholt, longtime Republican auditor. He served eight terms in the US House and is still Montana's longest-serving Republican congressman.

While in Congress, Ron served on the Agriculture and Natural Resources Committees and was knows as a fierce fighter for the common man against a bureaucracy. He enjoyed working with President Reagan and referred to him as "the greatest politician and leader" he had ever met. They remained friends for many years.

While Ron was best known for his political life, he is most fondly remembered as a father and grandfather.

Ron is preceded in death by his parents, Charles and Margaret; his brothers, Bob and Lanny; sons David and Mike; and his grandson, Jacob. He is survived by his wife, Cyndi of Bozeman; his children, Sheila (Dennis) Wolff, Casey (Pam), and Allison (Pete) Helland; nine grandchildren, three great-grandchildren, and his two nieces and three nephews.

SCOTT THOMAS MCCULLOCH

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Scott Thomas McCulloch died on September 9, 2020 in Billings at the age of 61. It is fitting and proper that the record and accomplishments of Scott McCulloch be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Scott was born on December 6, 1968 in St. Paul, Minnesota to Carol Theresa McCulloch and George Frederick McCulloch. He grew up in Roseville, Minnesota and graduated from Alexander Ramsey High School and the University of Minnesota-Duluth where he obtained a bachelor's degree in elementary education. Scott moved to Montana and taught at Broadwater and Big Sky elementary schools in Billings from 1983-1995.

It was at Broadwater School that Scott met his beloved wife of 31 years, Melanie Shikany McCulloch. They had a son, Ben, who was the light of Scott's life.

In 1995 Scott became President of the Billings Education Association. He served in that position until 1999 when he began working for the Montana Federation of Public Employees where he remained until his time of death.

He fulfilled a lifetime political dream and represented Billings in the Montana Legislature for two terms, 1991-1993. Many colleagues along the way became his lifelong friends.

Scott loved to talk, laugh and tell stories. He was an organizer and a planner. He was a mentor, counselor and confidant to all those who needed him. He was a fixer, problem solver and stellar barbequer. He loved time spent with his brothers and extended family. He traveled to sporting events around the country andloved camping in the Montana wilderness.

Scott was preceded in death by his mother Carol and his father Fred. He is survived by his loving wife Melanie, his son Ben, his brothers Bruce, Bobby, Tom (Lisa), Steven, Michael (Tammy), many aunts, uncles, cousins, nieces, nephews and many wonderful friends.

PERRY JAMES "JIM" MOORE

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Perry James "Jim" Moore on May 19, 2017 at age 89. It is fitting and proper that the record and accomplishments of Jim Moore be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Jim Moore was born on December 21, 1927 in Lewistown. After graduating from Harlowton High School in 1945 at age 17, he enlisted in the Navy and spent seven months on an aircraft carrier traveling the Pacific Ocean. After discharge in 1946, Jim enrolled at Montana State studying agriculture economics. He was a member of the original college rodeo team and rode bulls, saddle broncs and bareback horses. Jim met and married Kathryn Nash, a beautiful college equestrian, and they were married 63 years.

Jim and Kay had three children: Dianne Aurie Moore (Atlanta), Perry J. Moore IV (Woodinville, Washington) and Steven Francis Moore, a rancher on the former Moore Family ranch, Two Dot. Jim's children, like their father, were educated at the Two Dot Grade School, Harlowton High School, and Montana State University.

Jim eventually managed the ranch south of Two Dot, raising Hereford cattle. During winter months Jim took a correspondence course in law, and passed the Montana Bar the same week he was elected to the Montana State Senate. He served three sessions in the Senate, 1969, 1971 and 1973, and was the Republican Minority Leader for his last two terms.

After retiring from his law practice in Bozeman, he received the Jameson Award from the Montana State Bar, as an attorney who exemplified the highest values of the legal profession. He also wrote a volume of short stories and five novels.

Jim is survived by his wife Kathryn, his children Dianne, Perry, and Steven; daughters-in-law Sue Moore and Kathy Moore, and Aurie's significant other, Peter West, and grandchildren Sanford and Rachel Moore (parents Sue and Steve) and Christine and Julianne (parents Kathy and Perry); nieces and nephews.

DALE MORTENSEN

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Dale Mortensen on January 29, 2020 at the age of 53. It is fitting and proper that the record and accomplishments of Dale Mortensen be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Dale was born in Helena on October 14, 1966. He graduated from Montana State University with a bachelor's degree in Social and Criminal Justice.

He worked as a police officer and deputy sheriff in the Bozeman area and in Hardin. He then ran his own investigation and security business. He was also a field representative for Congressman Rehberg.

Dale successfully ran for a seat in the Montana House of Representatives in 2014 representing the Billings Heights. Law enforcement in the eastern part of the state had long complained that the Montana State Crime Lab in Missoula was too far away to be useful. But an Eastern Montana satellite lab was not an easy sell. Some lawmakers argued that expansion of the Missoula lab would produce better results.

In 2015 Dale carried a bill to create a satellite state crime lab in Billings which was passed by the Legislature. Many felt that was probably the most significant thing the three-term lawmaker did for Billings and Eastern Montana. Dale served in the House in 2015, 2017 and 2019. He served on the Natural Resources, State Administration, Agriculture and Judiciary committees.

MARY LOU PETERSON

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Mary Lou Peterson on August 6, 2019 at the age of 88. It is fitting and proper that the record and accomplishments of Mary Lou Peterson be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Mary Lou Peterson was born at Okanogan, WA, on May 5, 1931 to George and Minnie Meyerhoff and was raised and educated there. She went on to receive her bachelor's degree in education from Eastern Washington University at Cheney and her master's degree from Eastern Montana College at Billings.She and her late husband David came first to Warland and later moved to Eureka in 1964, where she and David taught in the grade school and he later served as principal. Mary Lou taught until her retirement in 1983.

She was elected to the Montana House of Representatives from House District 1 in 1985 and served until 1993. She served on the Highways, Natural Resources, Fish and Game, and House Appropriations committees during her tenure.

She married David Peterson on June 15, 1952. Always an active part of numerous community affairs, they moved to their retirement home on Glen Lake in the 1990s. She had been an involved member of St. Michael and All Angels Episcopal Church, the Republican Party, and numerous other organizations of the Tobacco Valley.

Her husband David preceded her in death in 2017. Surviving are her sons Eric and Karl and twins Leonard and Mark; her sister, Mina Jane Meyers, seven grandchildren and six great-grandchildren.

JACK REHBERG

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Jack Rehberg on December 2, 2020. It is fitting and proper that the record and accomplishments of Jack Rehberg be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Jack Rehberg was born on May 17, 1929 in Billings to Wallace and Dorothy (Hamilton) Rehberg. He was raised on the family dairy farm west of town, graduated from Billings Senior High School and earned his bachelor's degree in dairy manufacturing from Montana State University. He married the girl next door, Patricia Cooley, and they remained happily married for over 68 years.

As a young man Jack decided he was going to marry a neighbor girl, Patricia Cooley. Many times he would try to fool other suitors by parking his own car in front of her house. It worked. They were married on June 27, 1951 and remained happily married for over 68 years.

Jack began his career co-managing the Midland Guernsey Dairy Farm on Rehberg Lane with his brother, Wally, and the Milky Way Drive-In across from Eastern Montana College with his mother, Dorothy. He was both manager and short order cook at the Milky Way for 20 years, while still delivering milk.

Jack's love of politics led him to the State Legislature where he served in the Montana House of Representatives from 1963 to 1967 and in the State Senate from 1969 to 1971. Jack played the organ that had been set up in the Senate chambers during breaks in the action.

After the Milky Way closed in 1971, Jack began a new career as executive director of the Montana Petroleum Association and the Rocky Mountain Oil and Gas Association. Later he served as the Vice President of Security Federal Savings and Loan before becoming its president, where he oversaw the expansion to 23 locations across Montana and the change from a savings and loan to a bank.

Jack is survived by his wife Patricia, his children Shanna (David) Henry and Dennis (Janice); his sister Jeanine Lee, his five grandchildren: Jaclyn, Ryan, AJ, Katie and Elsie; and four great-grandchildren.

JAMES G. "JIM" SHOCKLEY

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of James G. Shockley on September 14, 2020. It is fitting and proper that the record and accomplishments of James G. Shockley be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Jim Shockley was born in Phoenix, Arizona on September 12, 1944 to Gene and Helen Shockley. He moved around and graduated from Jeb Stuart High School in Virginia in 1962. He attended the University of Oklahoma for one semester, when he transferred to the University of Montana. Darby, the home of his paternal grandparents, Clyde and Margaret Shockley, was always considered home.

In 1963 Jim became a Marine and served in duty stations such as Okinawa, the Philippines and Vietnam. In 1965 he was severely wounded in Vietnam by enemy machine gun fire. His friend, Sergeant Major Freddie Murray rescued him from the ambush site, saving Jim's life. After his service, Jim returned to the University of Montana and obtained a bachelor's in history and found Marilee, who became his wife of 51 years.

In 1969 Jim went to Officers Candidate School and was commissioned as a 2nd Lieutenant in the Marines. While in the Marines he returned to UM where he obtained his JD degree in 1976. He then practiced as a trial lawyer in the Marine Corps for 12 years. Jim retired from the Corps in February 1988 as a Major. He earned the Purple Heart and many other awards

In 1989 Jim and Marilee moved to Victor, opening their law and CPA firms. Jim had a solo practice including public defending, real estate law, estates and other services.

In 1999 Jim became a legislator, first serving 6 years in the House of Representatives and then 8 years in the Senate.

Jim was predeceased by his parents and grandparents. He is survived by his spouse Marilee, and his brothers, Mark (Sherry) and Steve (Nancy), as well as many nieces, nephews, cousins, friends, and other relatives.

DONALD J. "DON" STEINBEISSER

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Donald J. Steinbeisser on September 12, 2020 at the age of 85. It is fitting and proper that the record and accomplishments of Donald J. Steinbeisser be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Don was born on April 15, 1935 in Sidney to Joseph and Mary Schuhart Steinbeisser. He grew up the second of five children on the family farm and graduated from Sidney High School in 1953. He chose to pursue his passion for farming, working alongside his father and younger brother, Joe. Don and Leona Gierke were married on August 29, 1959, made their home on the family farm, and started a family that would include five children, James, Don Jr., Craig, Janet and Trisha. Don served in the U.S. Army Reserves from 1957 to 1962.

Don served in the Montana House of Representatives from 2000 to 2005 and in the Montana State Senate from 2005 to 2012. He was proud of his time spent in the legislature and was highly respected on both sides of the aisle for his calm demeanor on contentious issues and his ability to listen to all sides. It was at the Legislature that Don found love again after Leona's passing. Amelia (Lia) Pirrone brought Don a cup of coffee, and that cup turned into a beautiful marriage. They would have celebrated their 13th wedding anniversary December 1, 2020.

Don was a proud second-generation Montana farmer/rancher. He often traveled to Washington DC and overseas to lobby on farm bills and trade agreements. On 9/11 Don was in Washington DC at the US Capitol Building.

Don was preceded in death by his parents, his brother Leo, his twin sister Doris Tveit, his wife Leona and his nephew Keith. He is survived by his wife Lia; his sons, Jim (May Ann), Don Jr. (DelRae)., and Craig; daughters Janet (Jim) Krivec and Trisha (John) Zowada; nine grandchildren, Jennifer (Luke) See, Michael (Jessica) Steinbeisser, Ryan, Lauren and Jonathan Krivec, Sara Zowada, Corbin, Liam and Claire Steinbeisser; five great-grandchildren; his brother Joseph (Mary Ann) Steinbeisser, Jr.; his stepchildren Annalisa Pirrone (Ray Ervin) and Riccardo (Britt) Pirrone; his sister Mary Schwede; and numerous nieces and nephews.

GOVERNOR STAN STEPHENS

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Governor Stan Stephens on April 3, 2021 in Kalispell at the age of 91. It is fitting and proper that the record and accomplishments of Governor Stan Stephens be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Stan Stephens was born September 16, 1929, in Calgary, Alberta, Canada, to Margaret and Joseph Stephens, immigrants from Scotland and England. He grew up in a loving and musically gifted family, learning from his father to master the trumpet at an early age. By age 7, Stan was playing trumpet solos in the Calgary Symphony and music became a life-long passion to him,

At age 19, Stan moved to the United States, eventually settling in Havre, Montana. Prior to seeking US citizenship, he enlisted in the US Armed Forces Broadcast Network and served in the Korean War. Upon his return to Havre in the early 1950's, he proposed to the girl who captured his heart, Ann Hanson. The two were married in 1954 and raised two daughters. Ann passed away in 2017.

Stan's 38-year career began in broadcasting and as co-owner of radio station KOJM. He later expanded into community television and introduced cable television to Havre in the 1960s followed by expansion to Glasgow and Sidney.

His radio editorials were most notable. He wrote and aired radio editorials covering a broad spectrum of issues on the local, state and national fronts. In 1975, he earned national recognition by receiving the Edward R. Murrow award for journalistic excellence.

He served as a Republican state senator from Havre for 16 years, serving in several leadership positions along the way. In 1986, the National Republican Legislators Association recognized him as one of the country's ten most outstanding state lawmakers. Stan then ran for Governor and was sworn in as Montana's 20th Governor on January 2, 1989.

BILL STRIZICH

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Bill Strizich on July 24, 2020. It is fitting and proper that the record and accomplishments of Bill Strizich be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Bill Strizich was born in March 1949 in Great Falls, the first son of August "Gus" Strizich and attended both Great Falls High School and then graduating from C. M. Russell High School in 1967. He attended Montana State Unviersity, initially to study chemistry and eventually graduated with a degree in sociology and criminal justice.

He met his wife, Jeanne, in college, and he was a member of the Phi Delta Theta fraternity. Their son, Stephen John, was born in Bozeman in May of 1971. After graduating, Bill went on to a successful career working for the Montana Board of Crime Control, and then working as a juvenile probation officer in Great Falls. In 1980, he went into business with his brother, opening one of the first computer stores in Montana, called Montana Micro Computers, located in Great Falls.

Bill entered politics in the late 1980s, and served in the House of Representatives from 1987-1993. He was elected as the Minority Whip in 1993. President Bill Clinton appointed Bill to serve as the United States Marshal for the District of Montana, a position that Bill left after President Clinton's last term.

He later opened an art gallery and framing shop with his partner, Lori Fay, which he ran until becoming ill. During that time, he worked as a driver for rail crews and as a union representative for the American Steel Workers. He served on the board of directors for the Montana Civil Liberties Union and as a leader in the Montana Democratic Party.

Bill is survived by his son, Stephen (Nikki); three grandchildren, Ethan, Faith, and Caleb; sister Leona (Greg); brother Larry; his partner, Lori Fay and son Cory.

JOSEPH "JOE" TROPILA

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Joseph "Joe"Tropila on November 7, 2020 at the age of 85. It is fitting and proper that the record and accomplishments of Joseph Tropila be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Joe Tropila was born in Jersey City, New Jersey on May 31, 1935, to Helen and Stanley Tropila. He joined the United States Air Force in 1953 and served almost four years stationed at Keesler AFB in Mississippi, Korea and finally Malmstrom Air Force Base in Great Falls.

While working various jobs in Great Falls, he studied and attained his bachelor's degree in biology from the College of Great Falls. He worked as a business director for the Great Falls Gas Company and in 1965 purchased Calhoun's Saloon in Black Eagle. Joe remained active in the tavern industry throughout the rest of the 60s, 70s and 80s. In addition to Calhoun's, he owned and operated Dutchman's (today's Longhorn Lounge), the old Heidelberg Bar. He designed and oversaw construction of the new Heidelberg.

In 1974, Joe accepted a customer's challenge and ran successfully for the Montana House of Representatives where he served from 1975 -1980. In 1981, he was appointed Cascade County Clerk and Recorder, a position he retained through the early 1990's. Upon retiring, he remained in public service, serving again in the Montana Senate from 2003-2010.

Joe was humbled to be made an honorary member of the Little Shell Tribe of Chippewa Indians. His commitment to their federal recognition spanned many years, and it was a source of immense joy for him when that recognition finally came in late 2019.

Joe is survived by his wife, Mary; children, Mike (Laura), Cathy (Mike) MacDonald, Mitch (Erin), Cecile (Bruce) Sorensen; five grandchildren; and one great-grandchild.

LARRY V. TVEIT

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Larry Tveit on October 3, 2020 in Billings. It is fitting and proper that the record and accomplishments of Larry Tveit be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Larry Tveit was born on April 25, 1935 to John and Ida Bernice (Lovely) Tveit in Fairview, the youngest of six children. He attended Sioux Pass Grade School and graduated from Sidney High School in 1953. A year later he married his high school sweetheart, Doris Anne Steinbeisser. He and Doris had five children. Larry married Lorrane Quincer Shackelford on Valentine's Day in 2003.

After a farming career starting out with his dad and later with two of his sons, Larry moved to Sidney and retired from farming in 1996. He drove back and forth from the farm to check his oil wells and make sure the cattle had water. He loved to hunt and fish, especially at Rock Creek on Fort Peck and in northern Canada. He was a member of the Trinity Lutheran Church.

Larry was active as a member and chairman of the Fairview School Board, Exalted Ruler of the Elks Lodge, Board of Directors of the 1st United Bank in Sidney, a director of the Northeast Montana Land & Mineral Owners Association and the Montana Grain Growers Association. He was the Jaycee Outstanding Young Farmer in 1961. In 1996 he began his Black Gold Management consulting business where he shared his oil knowledge.

In 1980 Larry was elected to the Montana State Senate. During his16 years in Helena he was instrumental in legislation concerning the Missouri Bridge and Fort Union renovation.

Larry is survived by his wife Lorraine; his five children Denise Gartner, Larry (Cheryl), Nolan (Leslie), Kevin (Pam), Carrie (Terry) Roth; nine grandchildren: Nathan, Natasha, Sharina, Brian, Brad, Shauna, Sarah, Darren, and Natalie; fourteen great-grandchildren: Holden, Journey, Sofia, Marina, Wyatt, Brett, Ethan, Caleb, Landon, Thea, Tenley, Grady, Zeemirah, Zyana, two step great-grandchildren, Katherine Patz and Kreed Bloem; many nieces and nephews and Lorraine's family: Ed (Linda Shackelford), Wes (Mary) Shackelford; Kathleen (Gary) Wagnild; 9 grandchildren and 16 great grandchildren.,

TED WASHBURN

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Ted Washburn on September 28, 2019 at the age of 78. It is fitting and proper that the record and accomplishments of Ted Washburn be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Ted was born on April 9, 1941 to Earl T. and Helen Alex Washburn in White Plains, New York. He graduated from Bethlehem High School in 1959 and joined the Bethlehem Police Department. In 1967 he transferred to the New York State Department of Conservation as a Conservation Officer, having graduated from the New York State Police Academy. He met the love of his life, Claudia Hallenbeck, and they were married on September 23, 1962. Ted was a devoted husband and father.

Ted retired as Chief Conservation Officer after a 40-year career with the rank of Captain. He was named New York State Conservation Officer of the Year in 1975. He served as the Liaison Officer between New York State and the FBI, investigating and combating organized crime and improper hazardous waste disposal. One of the highlights of his career was being the head of security for the 1980 Winter Olympics at Lake Placid for bobsled, luge and ski jump.

After his retirement in 1998, Ted and Claudia moved to Bozeman, a place he had always considered hsi second home. He served as a Representative in the Montana House of Representatives from 2009 to 2014. He said that his career had been enforcing the law and now he was making the law. He held this responsibility in the highest regard. A highlight of Ted's service was hsi sponsorship and passage of the Wolf Management Law in 2013.

Ted was a deacon and elder of his church and was involved in jail ministry. Ted served as President of the Board of Liberty Place in Whitehall, Montana. He was a member of the NRA Rocky Mountain Elk Foundation and Walleyes Unlimited.

Ted was preceded in death by his parents. He is survived by his wife Claudia, his brother Robert (Lorraine) of Concord, New Hampshire, his son Raymond (Sherri) Washburn of Warsaw, Indiana, his dauaghter Wendy (Mike) Houghton of Belgrade, his son James (Alyssa) of Townsend, and his grandchildren Timothy and William Washburn and Seth, Elizabeth Killian and Ted Houghton.

JACK WELLS

***WHEREAS**, it is with deep and sincere sorrow that the members of the Sixty-Seventh Legislative Assembly of the State of Montana record the passing of Jack Wells on March 16, 2021 in Bozeman. It is fitting and proper that the record and accomplishments of Jack Wells be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Jack Moore Wells was born in a log cabin in Neihart, Montana, on September 13, 1937. He moved to Renton, WA with his parents for a time, but after WWII relocated to Great Falls. After graduation Jack attended Dartmouth University on an academic scholarship. While there, he enrolled in the Air Force ROTC program.

After graduating with a master's degree in electrical engineering, Jack was commissioned in the Air Force as a second lieutenant. Over the course of a 30-year career, Jack enjoyed a variety of exciting assignments. He worked in cryptology, installing the hot line to the Kremlin in the White House during the Kennedy Presidency. He spent the Vietnam War launching spy satellites in the Atlas-Agena program at Cape Canaveral, FL. He eventually returned west to work in the Minuteman and Peacekeeper nuclear missile programs and was stationed at F. E. Warren AFB in Cheyenne, WY, Malmstrom AFB in Great Falls, MT, and Norton AFB in San Bernardino, CA. He served three years as Air Attaché at the U. S. Embassy in Kuala Lumpur, Malaysia. He finished his career as a commander of the Site Alteration Task Force at Warren AFB, retiring as a full colonel.

Jack didn't slow down in retirement. He became a voice for conservatism, serving two terms as a State Representative and another as a State Senator. After retiring, Jack and his wife, Mary Gay, settled in Bozeman, MT, moving later to Sheridan WY for the summers and spending winters in Green Valley, AZ. He rounded out his time with golfing, camping, hunting, fishing, and traveling.

Jack was preceded in death by his parents, Clarence "Slim" Wells and Vivian "Vi" (Simons); stepmother, Agnes; half-brother, Pat Murphy; half-sister, Dorothy Nebel; half-sister, Mickey McMillan; and sister, Jenny Lee Ferda. He is survived by his wife of 44 years, Mary Gay (Taylor); four sons from his first marriage to Sally (Bennett), Kenneth, Kevin, Brian, and Mark; four step-children, Elise, Tom, Steve, and Tara; twenty grandchildren; and nine great-grandchildren.

SENATE JOURNAL
67TH LEGISLATURE
SEVENTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 13, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/13/2021

Correctly printed: **SR 97**, **HB 7**, **HB 9**, **HB 92**, **HB 221**, **HB 391**, **HB 429**, **HB 450**, **HB 477**, **HB 483**, **HB 498**, **HB 503**, **HB 509**, **HB 517**, **HB 549**, **HB 554**, **HB 578**.
Correctly engrossed: **HB 5**, **HB 6**, **HB 8**, **HB 10**, **HB 11**, **HB 12**, **HB 14**, **HB 277**, **HB 358**, **HB 406**, **HB 447**, **HB 472**, **HB 481**, **HB 506**, **HB 537**, **HB 553**, **HB 559**, **HB 593**, **HB 630**.
Transmitted to the House: **HB 276**, **HB 300**, **HB 302**, **HB 365**, **HB 423**, **HB 449**, **HB 462**, **HB 479**, **HB 501**, **HB 539**, **HJ 8**.
Signed by the Speaker at 3:10 p.m., April 12, 2021: **SB 20**, **SB 33**, **SB 43**, **SB 49**, **SB 55**, **SB 57**, **SB 72**, **SB 135**, **SB 156**, **SB 168**, **SB 171**, **SB 175**, **SB 178**, **SB 217**, **SB 222**, **SB 240**, **SB 267**, **SB 275**.
Signed by the Speaker at 3:15 p.m., April 12, 2021: **SJ 9**, **SJ 15**.
Signed by the Speaker at 3:20 p.m., April 12, 2021: **SB 196**, **SB 211**, **SB 215**, **SB 226**, **SB 230**, **SB 277**.
Delivered to the Secretary of State at 11:49 a.m., April 13, 2021: **SJ 9**, **SJ 15**.
Delivered to the Governor for signature at 11:04 a.m., April 13, 2021: **SB 4**, **SB 20**, **SB 33**, **SB 43**, **SB 49**, **SB 55**, **SB 57**, **SB 72**, **SB 101**, **SB 135**, **SB 156**, **SB 168**, **SB 171**, **SB 175**, **SB 178**, **SB 196**, **SB 211**, **SB 215**, **SB 217**, **SB 222**, **SB 226**, **SB 230**, **SB 240**, **SB 267**, **SB 275**, **SB 277**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/13/2021
HB 624, be concurred in.
HB 669, be concurred in.
HB 688, be amended as follows:

1. Page 2, line 2.
Following: "committee."
Insert: "The members shall elect a presiding officer and a vice presiding officer of opposite parties.
(3) A vacancy must be filled in the same manner as the original appointment.
(4) Committee members must be reimbursed for travel expenses as provided in 2-18-501 through 2-18-503 and be compensated as provided in 5-2-302."

Renumber: subsequent subsections

2. Page 2.
Following: line 22
Insert: "NEW SECTION. **Section 4. Contingent voidness**. (1) Pursuant to Joint Rule 40-65, if [this act] does not include an appropriation prior to being transmitted to the governor, then [this act] is void.
(2) If the appropriation in [section 3] is vetoed, then [this act] is void."
Renumber: subsequent sections

And, as amended, be concurred in.

HB 704, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 4/12/2021
SR 98, be adopted.
HB 663, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 4/12/2021
HB 5, be amended as follows:

1. Page 11.
Following: line 11
Insert: "Department of Public Health and Human Services
Southwest Montana Veterans Home Sixth Cottage $1,200,000 from state special revenue funds"

2. Page 13.
Following: line 8
Insert: "Canyon Ferry Fish Cleaning Station
500,000 500,000
Tiber Reservoir Fish Cleaning Station
500,000 500,000
Smith River Eden Site Improvement
600,000 600,000"

3. Page 14, line 24.
Strike: "280,000" in two places
Insert: "780,000" in two places

4. Page 18.
Following: line 23
Insert: "COORDINATION SECTION. **Section 14. Coordination instruction**. If both House Bill No. 632 and [this act] are passed and approved, then the allocations for the capital projects in [section 33] of House Bill No. 632 are considered miscellaneous revenue to the major repair long-range

building program account as provided in 17-7-221(4) and apply toward meeting the minimum level of funding and appropriation required in 17-7-222."
Renumber: subsequent section

And, as amended, be concurred in.

HB 6, be amended as follows:

1. Page 1, line 23.
Strike: "and"

2. Page 1, line 24.
Following: "biennium"
Insert: "; and
(f) $250,000 for an emergency grant for water system repairs at the Savage elementary school"

And, as amended, be concurred in.

HB 8, be amended as follows:

1. Page 2, line 2.
Strike: "$3,000,000"
Insert: "$10,000,000"

2. Page 2, line 4.
Strike: "$3,000,000"
Insert: "$10,000,000"

3. Page 2, line 23.
Strike: "$3,000,000"
Insert: "$10,000,000"

4. Page 4, line 1.
Strike: "$7,145,000"
Insert: "$9,245,000"

And, as amended, be concurred in.

HB 10, be amended as follows:

1. Page 2, line 25.
Strike: "5,000,000" [State Special Revenue]
Insert: "5,000,000" [Federal Special Revenue]

2. Page 3, line 7.

Strike: "$4,969,307 million"
Insert: "$500,000"

And, as amended, be concurred in.

HB 11, be amended as follows:

1. Title, line 9.
Following: "CONDITIONS"
Insert: "AND PROVIDING CLARIFICATIONS"

2. Title, line 13.
Following: "PROJECTS;"
Insert: "AMENDING SECTION 90-6-710, MCA;"

3. Page 7.
Following: line 16
Insert: "**Section 10.** Section 90-6-710, MCA, is amended to read:

"**90-6-710. Priorities for projects -- procedure -- rulemaking.** (1) The department of commerce must receive proposals for infrastructure projects from local governments on a continual basis. The department shall work with a local government in preparing cost estimates for a project. In reviewing project proposals, the department may consult with other state agencies with expertise pertinent to the proposal. For the projects under 90-6-703(1)(a), the department shall prepare and submit two lists containing the recommended projects and the recommended form and amount of financial assistance for each project to the governor, prioritized pursuant to subsection (2) and this subsection. One list must contain the ranked and recommended bridge projects, and the other list must contain the remaining ranked and recommended infrastructure projects referred to in 90-6-701(3)(a). Each list must be prioritized pursuant to subsection (2) of this section, but the department may recommend up to 20% of the interest earnings anticipated to be deposited into the treasure state endowment fund established in 17-5-703 during the following biennium for bridge projects. Before making recommendations to the governor, the department may adjust the ranking of projects by giving priority to urgent and serious public health or safety problems. The governor shall review the projects recommended by the department and shall submit the lists of recommended projects and the recommended financial assistance to the legislature.

(2) In preparing recommendations under subsection (1), preference must be given to infrastructure projects based on the following order of priority:

(a) projects that solve urgent and serious public health or safety problems or that enable local governments to meet state or federal health or safety standards;

(b) projects that reflect greater need for financial assistance than other projects;

(c) projects that incorporate appropriate, cost-effective technical design and that provide thorough, long-term solutions to community public facility needs;

(d) projects that reflect substantial past efforts to ensure sound, effective, long-term planning and management of public facilities and that attempt to resolve the infrastructure problem with local resources;

(e) projects that enable local governments to obtain funds from sources other than the funds provided under this part;
(f) projects that provide long-term, full-time job opportunities for Montanans, that provide public facilities necessary for the expansion of a business that has a high potential for financial success, or that maintain the tax base or that encourage expansion of the tax base; and
(g) projects that are high local priorities and have strong community support.
(3) After the review required by subsection (1), the projects must be approved by the legislature.
(4) The department shall adopt rules necessary to implement the treasure state endowment program.
(5) The department shall report to each regular session of the legislature the status of all projects that have not been completed in order for the legislature to review each project's status and determine whether the authorized grant should be withdrawn.
(6) A local government may begin construction of the proposed infrastructure project after submitting an application to the department and prior to legislative approval of a grant award, if the local government:
(a) has secured the firm commitment of all funding necessary to finance the proposed project;
(b) assumes all risk, liability, and financing for the proposed project; and
(c) acknowledges that any project expenses incurred prior to legislative approval of a grant award may be rendered ineligible by the department if the local government fails to meet any program requirements set forth in this part or the rules adopted by the department pursuant to subsection (4)."""
Renumber: subsequent sections

And, as amended, be concurred in.

HB 12, be amended as follows:

1. Title, line 7.
Following: "PROJECTS;"
Insert: "REQUIRING MATCHING FUNDS FOR GRANTS;"

2. Page 1, line 14.
Strike: "$3,190,121"
Insert: "$5,490,121"

3. Page 1, line 26.
Strike: "$63,250"
Insert: "$50,600"

4. Page 1, line 28.
Strike: "$72,981"
Insert: "$58,385"

5. Page 2, line 12.
Strike: "$261,300"
Insert: "$229,690"

6. Page 2, line 20.
Strike: "$154,025"
Insert: "$123,220"

7. Page 2, line 22.
Strike: "$75,300"
Insert: "$60,240"

8. Page 3, line 3 through line 8.
Strike: line 3 through line 8 in their entirety

9. Page 3, line 10.
Strike: "$500,000"
Insert: "$450,000"

10. Page 3, line 13 through line 14.
Strike: line 13 through line 14 in their entirety

11. Page 3, line 16.
Strike: "$354,189"
Insert: "$341,189"

12. Page 3, line 22.
Strike: "$455,000"
Insert: "$419,000"

13. Page 3, line 23 through line 26.
Strike: line 23 through line 26 in their entirety

14. Page 4, line 18.
Strike: "$36,000"
Insert: "$28,800"

15. Page 4, line 28.
Strike: "$432,000"
Insert: "$345,600"

16. Page 5, line 1 through line 2.
Strike: line 1 through line 2 in their entirety

17. Page 5, line 14.
Strike: "$40,168"
Insert: "$32,134"

18. Page 5, line 18.

Strike: "$31,150"
Insert: "$24,920"

19. Page 5, line 26.
Strike: "$243,000"
Insert: "$216,800"

20. Page 6, line 3 through line 4.
Strike: line 3 through line 4 in their entirety

21. Page 6, line 10.
Strike: "$218,000"
Insert: "$174,400"

22. Page 6, line 14.
Strike: "$132,100"
Insert: "$125,560"

23. Page 6, line 20.
Strike: "$60,000"
Insert: "$53,000"

24. Page 6, line 24.
Strike: "$24,188"
Insert: "$19,350"

25. Page 6, line 26.
Strike: "$200,000"
Insert: "$176,000"

26. Page 7, line 6.
Strike: "$100,000"
Insert: "$80,000"

27. Page 7, line 14.
Strike: "$135,030"
Insert: "$128,024"

28. Page 7, line 18.
Strike: "$35,000"
Insert: "$30,100"

29. Page 7, line 20.
Strike: "$183,975"
Insert: "$183,315"

30. Page 7, line 22.
Strike: "$5,075"
Insert: "$4,060"

31. Page 7, line 28.
Strike: "$490,540"
Insert: "$392,432"

32. Page 8, line 2.
Strike: "$180,000"
Insert: "$164,000"

33. Page 8, line 3 through line 4.
Strike: line 3 through line 4 in their entirety

34. Page 8, line 6.
Strike: "$61,266"
Insert: "$50,088"

35. Page 8, line 8.
Strike: "$62,610"
Insert: "$50,088"

36. Page 8, line 23.
Following: "withdrawn."
Insert: "Projects requested by a local government must provide a 20% match of the total estimated project costs. Projects requested by other entities must provide a 20% match of the recommended grant amount."

And, as amended, be concurred in.

HB 14, be amended as follows:

1. Page 3, line 17.
Strike: "$1,552,575"
Insert: "$798,659"

And, as amended, be concurred in.

HB 630, be amended as follows:

1. Title, line 11.
Following: "2021;"
Insert: "ALLOWING MODIFICATIONS RELATED TO APPROPRIATIONS AND AUTHORIZATIONS;"

2. Page 9, line 5.
Strike: "$163 million"
Insert: "$183 million"

3. Page 9.
Strike: line 6 through line 7 in their entirety

4. Page 10, line 24 through line 25.
Following: "(4)" on line 24
Strike: "The" on line 24 through "revenue." on line 25
Insert: "The department of commerce shall consult with the department of public health and human services regarding the implementation and expenditure of the Emergency Rental Assistance appropriation relating to utility assistance, case management, or other matters. The department of commerce may subgrant funds as appropriate for implementation and expenditure of the funds."

5. Page 11.
Following: line 13
Insert: "NEW SECTION. **Section 8. Modifications to appropriations and authorizations.** (1) The governor, or the budget director under the direction of the governor, is authorized to redirect appropriations and authorizations to other projects or appropriations within [this act] to ensure conformity with applicable federal laws, regulations, and guidance issued by federal agencies.
(2) (a) If a proposed line-item transfer or a fund switch in [this act] exceeds $100,000, the budget director shall submit a legal analysis and detailed description of the requested line-item transfer or fund switch to the legislative fiscal analyst 30 days prior to the next scheduled meeting of the legislative finance committee.
(b) For the purposes of this section, the following definitions apply:
(i) "Fund switch" means a change in a line-item fund source or account to another fund source or account.
(ii) "Line-item transfer" means the transfer of appropriation authority from one line item to a different line item.
(3) The legislative finance committee shall review the proposed line-item transfer or fund switch at the next meeting. A representative of the office of budget and program planning must be present at the meeting to discuss the proposal. The legislative finance committee may take up to 15 days following its meeting to review and comment on the proposal. The office of budget and program planning may provide a response to the comments within 15 days of receiving the committee's comments.
(4) The governor, or the budget director at the direction of the governor, is authorized to adjust the parameters of a program or service appropriated in [this act] to ensure conformity with applicable federal laws, regulations, and guidance issued by federal agencies. If the parameters of a program are adjusted, the office of budget and program planning shall notify the legislative finance committee of the change at its next scheduled meeting. The legislative finance committee may take up to 15 days following its meeting to review and comment on the proposal. The office of budget and program planning may provide a response to the comments within 15 days of receiving the committee's comments.

(5) If a proposed line-item transfer or a fund switch or a modification to the parameters of a program or service is of an urgent nature, the budget director shall notify the legislative fiscal analyst as soon as possible and the 30-day notice is not required. The legislative finance committee shall convene as soon as possible to review the proposal and provide comment. The meeting may be held in a virtual setting."
Renumber: subsequent sections

And, as amended, be concurred in.

HB 632, be amended as follows:

1. Title, line 5.
Following: "APPROPRIATIONS"
Insert: "AND ALLOCATIONS"

2. Title, line 15.
Following: the second "FOR"
Strike: "COMMUNICATIONS AND"

3. Title, line 21.
Following: the first "TO"
Insert: "CERTAIN"

4. Title, line 23.
Following: "STATE;
Insert: "PROVIDING FOR ADMINISTRATION AND AUDIT COSTS;"

5. Page 2.
Following: line 16
Insert: "(5) The department of natural resources and conservation shall serve as lead staff with the departments of administration and commerce assisting.
(6) Funding for the commission is allocated from the administrative costs allowed in [section 3]."

6. Page 2, line 18.
Strike: "**Appropriations**"
Insert: "**Appropriation**"

7. Page 2, line 18.
Following: "**for**"
Strike: "**capital projects and**"

8. Page 2, line 20 through line 21.
Strike: "infrastructure" on line 20 through "infrastructure" on line 21
Insert: "and local water and wastewater"

9. Page 2, line 23.
Strike: "500,000,000"
Insert: "450,000,000"

10. Page 2, line 24.
Strike: line 24 in its entirety

11. Page 2, line 27 through line 28.
Strike: "tribe," on line 27 through "district" on line 28
Insert: "city, county, consolidated city-county, school district, or other political subdivision or local government body of the state, including an authority as defined in 75-6-304, water district, sewer district, irrigation district, water users association, conservation district, or tribal government"

12. Page 3, line 1.
Strike: "" state infrastructure projects""
Insert: "state water and wastewater projects"

13. Page 3, line 2.
Following: "facilities"
Insert: "and associated infrastructure,"

14. Page 3, line 5 through line 6.
Strike: "or" on line 5 through "604" on line 6

15. Page 3.
Following: line 6
Insert: "(6) Funds appropriated under this section that are not otherwise allocated are allocated to the office of budget and program planning to provide grants pursuant to [section 3]."

16. Page 3, line 8 through line 9.
Strike: "**Eligibility**" on line 8 through "**recommendations**" on line 9
Insert: "**Competitive grant program**"

17. Page 3, line 9.
Strike: "State"
Insert: "For the first round of grants, state"

18. Page 3, line 10.
Following: "available"
Insert: "for water and wastewater projects"

19. Page 3, line 15.
Following: "recommended"
Insert: "water and wastewater"
Following: "a"

Strike: "final"

20. Page 3.
Following: line 16
Insert: "(4) The applicable agency is authorized to present additional rounds of grant proposals to the commission as needed."
Renumber: subsequent subsections

21. Page 3, line 17 through line 19.
Strike: "In" on line 17 through "COVID-19." on line 19

22. Page 3, line 19.
Following: "government"
Insert: "water and wastewater"

23. Page 3, line 23.
Following: the first "the"
Strike: "final"

24. Page 3, line 24.
Following: "2021."
Insert: "If the governor modifies the list of recommended projects submitted by the commission, the office of budget and program planning shall report and explain the changes to the advisory commissions and the legislative finance committee at its next scheduled meeting.
(7)"

25. Page 3, line 25.
Strike: "another"
Insert: "a different"

26. Page 3, line 28.
Strike: "another"
Insert: "a different"

27. Page 4.
Following: line 1
Insert: "(8) No project may receive more than $25 million in grant proceeds from this section.
(9) Up to 2.5% of the funds appropriated in [section 2] may be allocated for administrative costs."

28. Page 4, line 4.
Strike: "LOCAL"
Insert: "state"

29. Page 4, line 5.
Strike: "INFRASTRUCTURE"
Insert: "water and wastewater"

30. Page 4, line 5.
Following: "PROJECTS"
Insert: "eligible for funding under the American Rescue Plan Act"

31. Page 4, line 6.
Following: the first "IN"
Insert: "water and wastewater"

32. Page 4, line 9.
Strike: "INFRASTRUCTURE"
Insert: "water or wastewater"

33. Page 4, line 10.
Following: "QUALIFYING"
Insert: "water or wastewater"

34. Page 4, line 12.
Strike: "GREATER"
Insert: "lesser"

35. Page 4, line 17.
Strike: "CLAIMED"
Insert: "applied for and awarded or in a pending status"

36. Page 4, line 19.
Following: "PROGRAM"
Insert: "established in [section 3]"

37. Page 4, line 26.
Following: "FUNDS"
Strike: "TO BE COMPRISED OF LOANS SECURED BY COAL SEVERANCE TAX BONDS MADE PURSUANT TO HOUSE BILL NO. 8"

38. Page 4, line 27.
Strike: "MUST"
Insert: "may"

39. Page 5, line 2.
Strike: "**Outreach**"
Insert: "**Technical assistance**"

40. Page 5, line 3.
Strike: "an outreach"
Insert: "a technical assistance"

41. Page 5, line 4 through line 5.
Strike: "communications," on line 4 through "infrastructure" on line 5
Insert: "water and wastewater"

42. Page 5, line 6.
Strike: "outreach"
Insert: "technical assistance"

43. Page 5, line 6.
Following: line 5
Insert: "limited"

44. Page 5, line 8.
Strike: "outreach"
Insert: "technical assistance"

45. Page 5, line 9.
Strike: "must be an appropriation of administrative funds"
Insert: "is allocated $750,000 from the funds appropriated in [section 2] for the technical assistance team"

46. Page 5.
Following: line line 10
Insert: "NEW SECTION. **Section 7. Appropriation for capital projects.** (1) There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to the office of budget and program planning for state infrastructure projects as follows:

Amount	ARPA Section
119,300,000	604

(2) For the purposes of [this act], "state infrastructure projects" includes projects for state-owned buildings and facilities and associated infrastructure as well as within the Montana university system, including community colleges in the state.

(3) The department of administration shall submit a list of recommended state capital projects to the advisory commission.

(4) The advisory commission shall review the lists of recommended capital projects and issue a list of recommended projects to the executive.

(5) The applicable agency is authorized to present additional rounds of grant proposals to the commission as needed.

(6) In preparing recommendations for capital projects, preference must be given to projects that are geographically dispersed throughout the state, carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency with respect to COVID-19.

(7) The recommendations of the advisory commission must be considered by the governor and reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify recommendations and shall provide the list of approved projects to the legislative finance committee by October 15, 2021. If the governor modifies the list of

recommended projects submitted by the commission, the office of budget and program planning shall report and explain the changes to the legislative finance committee at its next scheduled meeting.

(8) If it is later determined that a project cannot be completed, the governor may authorize a different project and provide a report to the legislative finance committee. If it is determined at any time that a project is identified not to be eligible based on federal guidance or regulation and, if completed, would result in a reduction in funds from the American Rescue Plan Act or require the state to repay or refund money to the federal government pursuant to the American Rescue Plan Act, the governor may authorize a different project and provide a report to the legislative finance committee.

(9) References to "ARPA Section" mean references to section 9901 of the American Rescue Plan Act of 2021, Public Law 117-2, which amends Title VI of the Social Security Act to include section 604.

(10) Up to 2% of the funds appropriated in this section may be allocated for administrative costs."

Renumber: subsequent sections

47. Page 5, line 19.
Strike: "applications"
Insert: "recommendations"

48. Page 5, line 19.
Following: "funding"
Strike: "for grants for"

49. Page 5.
Following: line 23
Insert: "(5) The department of commerce shall staff the commission.
(6) Funding for the commission is allocated from the administrative costs allowed in [section 9]."

50. Page 5, line 25.
Strike: "**Appropriations**"
Insert: "**Appropriation**"

51. Page 5, line 25.
Strike: "**project grants**"
Insert: "**projects**"

52. Page 5, line 27.
Strike: "governor"
Insert: "department of commerce"

53. Page 5, line 28 through page 6, line 1.
Strike: "project" on line 28 through "are" on page 6, line 1
Insert: "projects. The appropriation is"

54. Page 6, line 3.
Strike: "250,000,000"
Insert: "275,000,000"

55. Page 6, line 4.
Strike: the first ","
Insert: "infrastructure, including"

56. Page 6, line 4.
Following: "safety"
Insert: ", if eligible"

57. Page 6, line 5.
Strike: "any grant"
Insert: "projects"

58. Page 6, line 8 through line 9.
Following: "602" on line 8
Strike: remainder of line 8 through "604" on line 9

59. Page 6.
Following: line 9
Insert: "(5) Up to 3% of the funds appropriated in this section may be allocated for administrative costs."

60. Page 6, line 12 through line 15.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

61. Page 6, line 16.
Following: "a"
Strike: "final"

62. Page 6, line 17.
Following: "projects"
Strike: "to the executive by September 1, 2021"

63. Page 6, line 19.
Following: the first "to"
Insert: "unserved,"
Following: "underserved"
Insert: ","
Following: "areas"
Insert: "as designated by the department of commerce"

64. Page 6, line 23.
Following: the first "the"
Strike: "final"

65. Page 6, line 24.
Following: "2021."
Insert: "If the governor modifies the list of recommended projects submitted by the commission, the office of budget and program planning shall report and explain the changes to the advisory commission and the legislative finance committee at its next scheduled meeting.
(4)"

66. Page 6, line 25.
Strike: "another"
Insert: "a different"

67. Page 6, line 28.
Strike: "another"
Insert: "a different"

68. Page 7, line 16.
Following: "REQUIRE"
Insert: "business"

67. Page 7.
Following: "line 22
Insert: "(6) The department of commerce shall staff the commission.
(7) Funding for the commission is allocated from the administrative costs allowed in [section 12]."

68. Page 7, line 24.
Strike: "**Appropriations**"
Insert: "**Appropriation**"

69. Page 7, line 25.
Following: line 24
Strike: "**grants**"
Following: "**grants.**"
Insert: "(1)"

70. Page 7, line 26.
Following: "planning"
Strike: "and allocated to the governor"

71. Page 7, line 28.
Strike: "Appropriation authority is intended to be allocated to the following items. Appropriations are"

Insert: "The appropriation is"

72. Page 8.
Following: line 3
Insert: "(2) $10 million of the funds appropriated in this section must be used for rapid retraining jobs training.
(3) The appropriation in this section may be used for workforce development and business transformation and stabilization programs including but not limited to workforce training including rapid retraining, return-to-work bonuses, or short-term wage subsidies, business assistance for hiring or rehiring employees, business assistance for training or retraining employees, business technology grants, agricultural resiliency, and business transformation or stabilization grants.
(4) Up to 3% of the funds appropriated in this section may be allocated for administrative costs."

73. Page 8, line 6.
Following: "(1)"
Insert: "Applicable agencies shall recommend programs and funding amounts to the advisory commission for review and comment.
(2) Within the programs established by the applicable agencies,"
Strike: "Businesses"
Insert: "businesses or other organizations"

74. Page 8, line 7.
Following: the first "agency"
Strike: "by July 1, 2021,"

75. Page 8, line 7.
Strike: "11"
Insert: "12"

76. Page 8, line 9.
Strike: "10"
Insert: "11"

77. Page 8, line 9.
Following: "10]"
Strike: "BY AUGUST 15, 2021"

78. Page 8, line 10.
Strike: "(2)"
Insert: "(3)"

79. Page 8, line 11.
Following: "a"
Strike: "final"

80. Page 8, line 11 through line 12.

Strike: "by" on line 11 through "2021" on line 12

81. Page 8.
Following: line 12
Insert: "(4) The applicable agency is authorized to present additional rounds of grant proposals to the commission as needed."

82. Page 8, line 13.
Following: "(3)"
Insert: "(5)"

83. Page 8, line 14.
Strike: "[SECTION ~~11~~ 13 THROUGH ~~14~~ 16]"
Insert: "[sections 14, 16, and 17]"

84. Page 8, line 14.
Following: "16]."
Insert: "The department of commerce shall report to the advisory commission on loans made in accordance with the federal requirements of the state small business credit initiative in [section 15]."

85. Page 8, line 15.
Strike: "(4)"
Insert: "(6)"

86. Page 8, line 17.
Following: the first "the"
Strike: "final"

87. Page 8, line 18.
Following: "2021."
Insert: "If the governor modifies the list of recommended projects submitted by the commission, the office of budget and program planning shall report and explain the changes to the advisory commission and to the legislative finance committee at its next scheduled meeting.
(7)"

88. Page 8, line 19.
Strike: "another"
Insert: "a different"

89. Page 8, line 22.
Strike: "another"
Insert: "a different"

90. Page 9, line 3.
Following: "3206"

Strike: ", 3208"

91. Page 9, line 4.
Strike: "11,000,000"
Insert: "11,459,768"

92. Page 9, line 4.
Strike: "Revolving Fund for Low-Income Housing"
Insert: "HOME Program Supplemental Allocation"

93. Page 9, line 5.
Following: "3201"
Strike: ", 3202, 3204"

94. Page 9, line 6
Strike: "Workforce"

95. Page 9, line 7 through line 8.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

96. Page 9, line 11.
Following: "facilities"
Insert: ", if eligible"

97. Page 9, line 11.
Following: "facilities.
Insert: "If federal guidance allows for other uses of emergency rental assistance funds, these funds may be used for those additional authorized purposes."

98. Page 9, line 12.
Strike: "10"
Insert: "11"

99. Page 9, line 18.
Following: "commerce"
Strike: "up to"

100. Page 10, line 2.
Strike: "Workforce"
Insert: "Office of Community Service"

101. Page 10.
Following: line 3
Insert: "2,000,000 Rapid Retraining for Veterans 8006"

102. Page 10, line 20 through line 24.
Following: "of" on line 20
STRIKE: REMAINDER OF LINE 20 THROUGH LINE 24 IN THEIR ENTIRETY
INSERT: ":
(A) MEMBERS OF THE JOINT APPROPRIATIONS SUBCOMMITTEE FOR HEALTH AND HUMAN SERVICES FROM THE 67TH LEGISLATURE; AND"

103. PAGE 10, LINE 25.
FOLLOWING: "(c)"
Insert: "(b)"

104. Page 11.
Following: line 2
Insert: "(5) The department of public health and human services shall staff the commission.
(6) Funding for the commission is allocated from the administrative costs allowed in [section 20]."

105. Page 11, line 5.
Strike: "committee"
Insert: "commission"

106. Page 11, line 6.
Following: "2021"
Insert: ", or as otherwise identified by a majority of the commission"

107. Page 11.
Following: line 8
Insert: "(3) The recommendations of the advisory commission must be considered by the governor and reviewed to comply with the American Rescue Plan Act and all applicable guidance. The governor may modify recommendations and shall provide the list of approved projects to the legislative finance committee by October 15, 2021. If the governor modifies the list of recommendations submitted by the commission, the office of budget and program planning shall report and explain the change to the advisory commission and to the legislative finance committee at its next scheduled meeting.
(4) If it is later determined that a project cannot be completed, the governor may authorize a different project and provide a report to the legislative finance committee. If at any time it is determined that a project is identified not to be eligible based on federal guidance or regulation and, if completed, would result in a reduction in funds from the American Rescue Plan Act or require the state to repay or refund money to the federal government pursuant to the American Rescue Plan Act, the governor may authorize a different project and provide a report to the legislative finance committee."

108. Page 11, line 18.
Strike: "13,000,000"
Insert: "11,000,000"

109. Page 11, line 24.
Strike: "111,000,000"
Insert: "112,500,000"

110. Page 11, line 24.
Following: "Care"
Strike: "Stabilization &"

111. Page 11, line 27.
Strike: line 27 in its entirety

112. Page 11, line 28.
Strike: "17,000,000"
Insert: "10,500,000"

113. Page 12, line 1.
Following: "2701"
Insert: ", 2702, 2703, 2705, 2706, 2707"

114. Page 12, line 2 through line 10.
Strike: line 2 through line 10 in their entirety

115. Page 12, line 11.
Following: "21,000,000"
Insert: "31,775,000"

116. Page 12, line 13 through line 14.
Strike: line 13 through line 14 in their entirety

117. Page 12.
Following: line 19
Insert: "1,130,000"

118. Page 12.
Following: line 20
Insert: "1,223,000 IDEA Infants and toddlers 2014
(2) There are federal funds received pursuant to section 9901 of the American Rescue Plan Act of 2021, Public Law 117-2, which amends Title VI of the Social Security Act to include section 602, appropriated to the office of budget and program planning and allocated to the department of public health and human services as follows:
(a) $15 million for nursing home supplemental payments; and
(b) $2.75 million for a medicaid rate study."
Renumber: subsequent subsections

119. Page 12, line 12.
Following: "(2)"

Insert: "(3)"

120. Page 12, line 22.
Following: line 21
Strike: "contracted private sector"
Following: "training"
Insert: "through existing programs in the department of labor and industry or through contracted private sector vendors"

121. Page 12, line 23 through line 26.
Strike: subsection (3) in its entirety

122. Page 13, line 2.
Following: "Care"
Strike: "Stabilization"

123. Page 13, line 3.
Following: "funds"
Strike: "for a subgrant system"

124. Page 13, line 4.
Following: "care,"
Insert: "licensing,"

125. Page 13, line 5.
Following: "training"
Insert: "and professional development"

126. Page 13, line 7.
Strike: "**Appropriation**"
Insert: "**Allocation**"

127. Page 13, line 8.
Following: "(602),"
Insert: "to the office of budget and program planning and allocated"

128. Page 13, line 13.
Strike: "**Appropriation**"
Insert: "**Allocation**"

129. Page 13, line 13.
Following: "**justice.**"
Insert: "(1)"

130. Page 13, line 14.

Strike: "appropriated"
Insert: "allocated"

131. Page 13, line 15.
Following: "2020"
Insert: "from the funds appropriated in [section 7]"

132. Page 13, line 15 through line 17.
Strike: "Appropriation" on line 15 through line 17 in their entirety

133. Page 13, line 18.
Strike: "ARPA Section"

134. Page 13, line 19.
Strike: "9901, 604"

135. Page 13, line 20.
Strike: "9901, 602"

136. Page 13.
Following: line 20
Insert: "(2) Authority is granted to construct the projects in this section."

137. Page 13, line 22.
Following: "**instruction**"
Insert: "**and office of budget and program planning**"

138. Page 14, line 10.
Strike: line 10 in its entirety

139. Page 14, line 11
Strike: "10,200,000"
Insert: "9,241,420"

140. Page 14, line 11.
Strike: "Individual"
Insert: "Individuals"

141. Page 14, line 11.
Following: "Disabilities"
Insert: "Education"

142. Page 15.
Following: line 14
Insert: "(3) There is appropriated $7 million to the office of budget and program planning for

assistance to nonpublic schools from the funds received pursuant to section 2002 of the American Rescue Plan Act, Public Law 117-2."

143. Page 15, line 27.
Following: "602"
Strike: "rr"

144. Page 15, line 28 through page 16, line 11.
Strike: line 28 through page 16, line 11 in their entirety

145. Page 16.
Following: line 11
Insert: "(2) There are federal funds received pursuant to section 2021 the American Rescue Plan Act of 2021, Public Law 117-2, in the amount of $764,000 appropriated to the Montana arts council for the fiscal year beginning July 1, 2020. Appropriations are authorized to continue through the biennium beginning July 1, 2023.
(3) There are federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2, appropriated to the state library for the fiscal year beginning July 1, 2020. Appropriation authority is intended to be allocated to the following items. Appropriations are authorized to continue through the biennium beginning July 1, 2023.

1,235,444	Hot Spot Lending Program	2023
1,000,000	E-Learning Digital Content	2023

(4) There is allocated $120,000 to the state library for newsline from the funds appropriated in [section 20] for Supporting Older Americans and Families"

146. Page 16.
Following: line 12
Insert: "NEW SECTION. **Section 25. Appropriation -- coronavirus local fiscal recovery fund.** There is appropriated to the office of budget and program planning $81.8 million to distribute pursuant to section 9901 of the American Rescue Plan Act of 2021, Public Law, 117-2, which amends Title VI of the Social Security Act to include section 603."
Insert: "NEW SECTION. **Section 26. Audit appropriations.** (1) Of the federal funds appropriated to the office of budget and program planning in [section 14] and appropriated to the department of commerce in [section 15], the amount of $20,500 is reserved for the legislative audit division as a restricted and biennial appropriation for the 2023 biennium.

(2) Of the federal funds appropriated to the office of budget and program planning in [sections 2, 7, and 12], the amount of $47,150 is reserved for the legislative audit division as a restricted and biennial appropriation for the 2023 biennium as follows:

(a) American Rescue Plan Act testing, $36,900; and

(b) single audit administration and reporting, $10,250.

(3) Of the federal funds appropriated to the office of public instruction in [section 23], the amount of $20,500 is reserved for the legislative audit division as a restricted and biennial appropriation for the 2023 biennium.

(4) Of the federal funds appropriated to the department of public health and human services in [section 20], the amount of $12,300 is reserved for the legislative audit division as a restricted

and biennial appropriation for the 2023 biennium.

(5) The legislative audit division will include estimated audit costs associated with [this act] in the estimated audit costs provided for in 5-13-402 for the 2025 biennium.

(6) As provided for in 17-7-141, agencies appropriated funds through [this act] will reserve enough money from these federal funds to pay associated audit costs in the 2025 biennium."
Renumber: subsequent sections

147. Page 16, line 13.
Strike: "**Authorization to modify or increase**"
Insert: "**Modifications to**"

148. Page 16, line 22.
Following: "line-item"
Insert: "appropriation"

149. Page 16, line 23.
Following: "line-item"
Insert: "appropriation within the same section of [this act]. Transfers are not authorized between appropriations made in different sections"

150. Ignore amendment, it is a duplicate of #151
Page 16, line 16 through line 17.
Strike: "(3)" on line 16 through "(3)" on line 17
Insert: "When federal guidance is issued related to the use of "reduction in revenue" funds pursuant to section 9901 of the American Rescue Plan Act of 2021, Public Law 117-2, amending Title VI of the Social Security Act to include section 602(c)(1)(C), otherwise known as "revenue replacement funds", the office of budget and program planning will calculate the amount of funds available pursuant to that section 602 and recommend to the governor and the legislative finance committee an amount to be allocated among the appropriations of 602 funds in [this act]."

151. Page 16.
Following: line 25
Insert: "(3) When federal guidance is issued related to the use of "reduction in revenue" funds pursuant to section 9901 of the American Rescue Plan Act of 2021, Public Law 117-2, amending Title VI of the Social Security Act to include section 602(c)(1)(C), otherwise known as "revenue replacement funds", the office of budget and program planning will calculate the amount of funds available pursuant to that section 602 and recommend to the governor and the legislative finance committee an amount to be allocated among the appropriations of 602 funds in [this act]."
Renumber: subsequent subsections

152. Page 16, line 26.
Following: "switch"
Insert: "or the recommendation on the use of revenue replacement funds as provided in subsection (3),"

153. Page 16, line 28.
Following: "proposal"
Insert: "or recommendation"

154. Page 17, line 1.
Following: "proposal"
Insert: "or recommendation"

155. Page 17, line 23.
Following: "**accountability.**"
Insert: "(1) Applicable agencies will propose a performance measurement plan to the commissions."
Renumber: subsequent subsections

156. Page 17, line 23 through line 24.
Strike: "BY" on line 23 through "MUST" on line 24
Insert: "in [this act] may"

157. Page 17, line 28.
Strike: "MUST"
Insert: "may"

158. Page 17, line 28 through page 18, line 1.
Strike: "OFFICE" on line 28 through "PLANNING" on page 18, line 1
Insert: "applicable agency"

159. Page 18, line 3.
Strike: "MUST"
Insert: "may"

160. Page 18, line 7.
Following: "act]."
Insert: "The online portal must also provide data and information on the website to provide transparency in how funds were spent and identify grant recipients for businesses, local or tribal governments, or nonprofit organizations."

161. Page 18.
Following: line 9
Insert: "(6) The office of budget and program planning is appropriated $3.5 million to provide oversight, public interaction, reporting, transparency, and other services from 602 funds."

162. Page 18, line 12.
Strike: "pursuant to [this act]"
Insert: "appropriated in [section 2]"

163. Page 18, line 13.
Strike: "issued"
Insert: "current"

164. Page 18, line 14.
Following: "state"
Insert: "in effect at the time the grant is awarded"

165. Page 19.
Following: line 21
Insert: "NEW SECTION. **Section 32. Long-range projects funding.** (1) If any of the allocations for projects outlined in [section 33 through 36] are determined to be ineligible for funding through the American Rescue Plan Act, funding for each ineligible project is appropriated for the project from the source of funding designated in the introduced version of the respective long-range bill.

(2) If any of the allocations for projects outlined in [section 37] are determined to be ineligible for funding through the American Rescue Plan Act, funding for those projects shall be:

(a) appropriated from the capital developments long-range building program account provided for in 17-7-209 for projects funded [section 1] of House Bill No. 14;

(b) appropriated from the treasure state endowment special revenue account provided for in 17-5-703(3)(a) funded through [section 5] of House Bill No. 14; and

(c) appropriated from the natural resources projects state special revenue account provided for in 15-38-302 funded through [section 9] of House Bill No. 14."
Renumber: subsequent sections

166. Page 19, line 25.
Following: "is"
Strike: "appropriated to the office of budget and program planning and"

167. Page 19, line 26 through line 28.
Strike: "from" on line 26 through "projects" on line 28
Insert: "for those projects from the funds appropriated in [section 2]"

168. Page 20, line 2 through line 3.
Strike: "appropriated" on line 2 through the second "and" on line 3

169. Page 20, line 3 through line 5.
Strike: "from" on line 3 through "projects" on line 5
Insert: "for the following projects from the funds appropriated in [section 7]"

170. Page 20, line 16 through line 17.
Strike: "appropriated" on line 16 through the first "and" on line 17

171. Page 20, line 17 through line 19.
Strike: "from" on line 17 through "602)," on line 19
Insert: "from funds appropriated in [section 2] of House Bill No. 632,"

172. Page 20, line 22.
Following: "is"
Strike: "appropriated to the office of budget and program planning and"

173. Page 20, line 23 through line 25.
Strike: "federal" on line 23 through "602)," on line 25
Insert: "the funds appropriated in [section 2] of House Bill No. 632,"

174. Page 21, line 5 through line 6.
Strike: "to" on line 5 through "allocated" on line 6

175. Page 21, line 7 through line 8.
Strike: "appropriated" on line 7 through the second "and" on line 8

176. Page 21, line 9 through line 10.
Strike: line 9 through "602)," on line 10
Insert: "the funds appropriated in [section 2] of House Bill No. 632"

177. Page 21, line 19.
Following: "is"
Strike: "appropriated to the office of budget and program planning and"

178. Page 21, line 20 through line 22.
Strike: "federal" on line 20 through "602)," on line 22
Insert: "the funds appropriated in [section 2] of House Bill No. 632"

179. Page 21, line 25.
Strike: "appropriated"
Insert: "allocated"

180. Page 21, line 25 through line 27.
Strike: "from" on line 25 through "allocated" on line 27
Insert: "from the funds appropriated in [section 2] of House Bill No. 632"

181. Page 22, line 4.
Strike: "appropriated"
Insert: "allocated"

182. Page 22, line 4 through line 6.
Strike: "from" on line 4 through "allocated" on line 6
Insert: "from the funds appropriated in [section 2] of House Bill No. 632"

183. Page 22, line 4.
Strike: "appropriated"
Insert: "allocated"

184. Page 22, line 4 through line 6.
Strike: "from" on line 4 through "allocated" on line 6
Insert: "from the funds appropriated in [section 2] of House Bill No. 632"

185. Page 22, line 11.
Strike: "appropriated"
Insert: "allocated"

186. Page 22, line 11 through line 13.
Strike: "from" on line 11 through "allocated" on line 13
Insert: "from the funds appropriated in [section 2] of House Bill No. 632"

187. Page 22, line 18 through line 20.
Strike: "appropriated" on line 18 through the second "and" on line 20

188. Page 22, line 20.
Following: "allocated
Insert: "from the funds appropriated in [section 7]"

189. Page 22, line 22.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

190. Page 22.
Following: line 24
Insert: "(2) (a) If both House Bill No. 14 and [this act] are passed and approved, then there is allocated $26,200,000 from the funds appropriated in [section 20] to the department of administration for the MT Veterinarian Diagnostic & Ag Analytical Labs.
(b) If it determined that the project identified in (2)(a) is ineligible for funding from the appropriations in [section 20], the allocation in (2)(a) is void and there is allocated $26,200,000 from the funds appropriated in [section 7] to the department of administration for the MT Veterinarian Diagnostic & Ag Analytical Labs."

191. Page 22, line 27.
Following: "is"
Strike: "appropriated to the office of budget and program planning and"

192. Page 22, line 28 through page 23, line 2.
Strike: "from" on line 28 through "602)," on page 23, line 2
Insert: "from the funds appropriated in [section 2] of House Bill No. 632"

193. Page 23, line 5 through line 7.
Strike: "appropriated" on line 5 through the second "and" on line 7

194. Page 23, line 8.

Following: "conservation"
Insert: "from the funds appropriated in [section 2] of House Bill No. 632"

195. Page 23, line 15 through page 24, line 6.
Strike: section 34 in its entirety
Insert: "NEW SECTION. **Section 38. Coordination -- Senate Bill No. 297.** If both Senate Bill No. 297 and [this act] are passed and approved, the appropriation in [section 9] shall be used for the purposes set forth in Senate Bill No. 297."
Insert: "NEW SECTION. **Section 39.** {standard} **Severability**. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent section

And, as amended, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 4/13/2021
HB 67, be concurred in.
HB 73, be concurred in.
HB 131, be concurred in.
HB 233, be concurred in.
HB 260, be concurred in.
HB 620, be concurred in.

JUDICIARY (Regier, Chair): 4/13/2021
HB 520, be concurred in.
HB 641, be concurred in.
HB 665, be concurred in.

STATE ADMINISTRATION (Kary, Chair): 4/12/2021
HB 497, be amended as follows:

1. Title, line 9.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 1, line 28.
Following: "corrections;"
Strike: "and"

3. Page 2, line 3.
Following: "education"
Insert: "; and
(f) long-range planning budget committee to oversee the budget activities related to long-range program implementation issues considered by the subcommittee during the session"

4. Page 2, line 9 through line 12.
Strike: subsection (5) in its entirety

5. Page 2, line 14.
Strike: "**Appointment and composition**"
Insert: "**Composition**"

6. Page 2, line 15 through line 18.
Following: "(1)" on line 15
Strike: remainder of line 15 through line 18 in their entirety

7. Page 2, line 19.
Following: line 18
Strike: "(3)"

8. Page 2, line 19 through line 20.
Strike: "must" on line 19 through "(a)" on line 20
Insert: "is"

9. Page 2, line 21 through line 26.
Following: "session" on line 21
Insert: "."
Strike: remainder of line 21 through line 26 in their entirety

10. Page 2, line 27.
Strike: "(5)"
Insert: "(2)"

11. Page 3, line 13.
Following: "committee"
Insert: "in [section 1(2)(a) through(2)(e)]"

12. Page 3, line 18.
Following: line 17
Strike: "and"

13. Page 3, line 19.
Following: "session"
Insert: ";
(d) review quarterly expenditures and budget transactions and compare those transactions to the budget adopted by the legislature;
(e) report budget observations and recommendations to the legislative finance committee at each quarterly meeting; and
(f) forward any recommendations for proposed legislation to the legislative finance committee or

relevant interim committee and may not directly request legislation"

14. Page 3, line 20.
Strike: "Each"
Insert: "Beginning in September of each odd-numbered year, each"

15. Page 3, line 20.
Strike: "committee"
Insert: "committee in [section 1(2)(a) through (2)(e)]"

16. Page 3, line 20.
Strike: "quarterly"
Insert: "within the week prior to the quarterly legislative finance committee meetings"

17. Page 3, line 20 through line 21.
Strike: "AND" on line 20 through "VIDEOCONFERENCE" on line 21

18. Page 3.
Following: line 21
Insert: "(3) Beginning in September of each odd-numbered year, the interim budget committee provided for in [section 1(2)(f)] shall meet each December and June within the week prior to the quarterly legislative finance committee meetings to review project status implementation throughout the interim and report budget considerations and recommendations to the legislative finance committee."
Renumber: subsequent subsection

19. Page 3.
Following: line 24
Insert: "(5) If an interim budget committee produces a report or receives a report from an agency, the report must also be provided to the appropriate interim committee that has agency oversight over the subject matter discussed in the report.
(6) The legislative finance committee may delegate specific studies or analysis to an interim budget committee and must consider all recommendations for potential legislation."

20. Page 6, line 2.
Strike: ","
Insert: "and"

21. Page 6, line 3 through line 4.
Strike: ", and" on line 3 through "5-11-210" on line 4

22. Page 6, line 10.
Following: the first "or"
Insert: "the appropriate"

23. Page 6, line 17.

Following: "interim"
Strike: "budget"

24. Page 6, line 18.
Following: "2"
Insert: "program evaluation and monitoring functions for the agency pursuant to Title 5, chapter 5, part 2, and to the appropriate interim"

25. Page 6, line 19.
Strike: "oversight"
Insert: "committee"

26. Page 8, line 7.
Following: "interim"
Strike: "budget"

27. Page 8, line 8.
Following: "2"
Insert: "program evaluation and monitoring function for the agency pursuant to Title 5, chapter 5, part 2, and to the appropriate interim"

28. Page 8, line 8.
Strike: "oversight"
Insert: "committee"

29. Page 9.
Following: line 12
Insert: "NEW SECTION. **Section 12. Termination**. [This act] terminates December 31, 2025."

And, as amended, be concurred in.

HB 588, be amended as follows:

1. Page 4, line 20 through line 21.
Following: line 20
Insert: "(a) for agencies with a director appointed by the governor as provided in 2-15-111, exceed 1% of the number of full-time employees as defined in 2-18-601, or 10, whichever is less;"

2. Page 4, line 21.
Strike: "(a)"
Insert: "(b)"
Following: "agencies"
Insert: "with an elected official listed in Article VI, section 1, of the Montana constitution:
(i)"

3. Page 4, line 22.
Strike: "department" in two places
Insert: "agency" in two places

4. Page 4, line 23.
Strike: "(a)"
Insert: "(b)(i)"

5. Page 4, line 25.
Strike: "(b)"
Insert: "(ii)"

6. Page 4, line 25.
Following: "(b)(ii)"
Strike: "for agencies"

7. Page 4, line 25.
Strike: "10%"
Insert: "5%"

8. Page 4, line 26.
Strike: "."
Insert: ", unless otherwise approved by the agency according to criteria developed by the agency. Under no circumstances may the total exemptions allowed under this subsection (2)(a)(b)(ii) of each elected official or agency exceed 50."

9. Page 5, line 2.
Strike: "subsection (1)"
Insert: "this section"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 39**
Report No. 002, April 12, 2021

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 39** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 39** (reference copy -- salmon) be amended as follows:

1. Page 3, line 26.
Strike: "LICENSED SEXUAL OFFENDER EVALUATORS"
Insert: "licensees of the boards listed in subsection (1) who have been engaged in the practice of evaluating sexual offenders during the last 4 years"

2. Page 4, line 9.
Following: "(3) THE"
Strike: "EDUCATIONAL AND EXPERIENTIAL"

3. Page 4, line 19.
Following: "OFFENDERS"
Strike: "WITHIN THE LAST 4 YEARS"

4. Page 4, line 20.
Following: the second "OFFENDERS"
Insert: ". The provisions of this subsection (3)(b) do not apply when an evaluator is renewing the endorsement"

5. Page 4, line 21.
Strike: "10"
Insert: "2"

6. Page 4, line 20 through line 21.
Strike: "IN" on line 21 through "YEARS" on line 22

7. Page 4, line 22.
Following: "YEARS;"
Strike: "AND"

8. Page 4, line 24.
Following: "TREATMENT"
Insert: "; and
(e) must renew the license endorsement concurrent with the evaluator's professional license"

For the Senate:

K. Regier, Chair
Hinebauch
Sands

For the House:

Usher, Vice Chair
Kelker
A. Regier

Without objection, the select committee report was adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/12/2021

SB 167, introduced by S. Fitzpatrick
SB 190, introduced by T. Gauthier
SB 216, introduced by J. Small
SB 223, introduced by T. Gauthier
SB 233, introduced by D. Ankney
SB 234, introduced by G. Vance
SB 239, introduced by M. McNally
SB 253, introduced by G. Hertz
SB 257, introduced by J. Small
SB 258, introduced by D. Ankney
SB 261, introduced by S. Fitzpatrick
SB 270, introduced by B. Hoven
SB 280, introduced by C. Glimm
SB 283, introduced by C. Glimm
SB 286, introduced by S. Hinebauch
SB 302, introduced by W. Sales
SB 307, introduced by M. Lang
SB 345, introduced by S. Fitzpatrick
SB 348, introduced by W. Sales
SB 350, introduced by G. Hertz
SB 351, introduced by B. Bennett
SB 372, introduced by E. McClafferty

Senate joint resolutions concurred in and returned to the Senate: 4/12/2021
SJ 5, introduced by S. Webber
SJ 21, introduced by M. Cuffe

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/12/2021

SB 40, introduced by J. Ellis
SB 108, introduced by D. Kary
SB 174, introduced by G. Hertz
SB 306, introduced by M. Lang
SB 327, introduced by J. Ellsworth

Senate joint resolutions concurred in as amended and returned to the Senate for concurrence in House amendments:

4/12/2021

SJ 6, introduced by J. Ellis

SJ 11, introduced by E. Boldman

Senate bill not concurred in and returned to the Senate: 4/12/2021

SB 186, introduced by C. Friedel

Senate amendments to House bill not concurred: 4/12/2021

HB 112, introduced by J. Fuller

SB 227 - The House, on motion duly carried, overrode the Governor's veto on **SB 227** and returned the bill to the Senate.

4/12/2021

April 12, 2021

Mark Blasdel, President
Montana State Senate
Montana State Capitol

RE: Senate Bill 227 (Sen. Fitzpatrick) Governor's Veto

Dear President Blasdel:

By motion on this date, the Montana House of Representatives voted to override the Governor's veto of Senate Bill 227, sponsored by Senator Fitzpatrick, with a vote of 89-11.

Sincerely,

E. Wylie Galt, Speaker
Montana House of Representatives

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 26, introduced by D. Sands, K. Kelker, D. Lenz, R. Lynch, S. Morigeau, B. Usher, S. Webber, J. Windy Boy, referred to Judiciary.

The following House bill, previously introduced, was referred to committee:

HB 279, introduced by S. Berglee, D. Skees, J. Read, W. Galt, J. Hinkle, W. McKamey, M. Noland, V. Ricci, B. Tschida, J. Trebas, C. Knudsen, S. Vinton, J. Fuller, R. Knudsen, J. Kassmier, B. Mercer, T. Moore, F. Nave, J. Carlson, K. Zolnikov, B. Mitchell, A. Regier, S. Gist,

E. Hill, J. Schillinger, K. Seekins-Crowe, M. Stromswold, C. Hinkle, M. Binkley, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Glimm in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 468 - Senator McGillvray moved **HB 468** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber, Welborn.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 444 - Senator Friedel moved **HB 444** be concurred in.

HB 444 - Senator Friedel moved **HB 444**, second reading copy, be amended as follows:

1. Page 2, line 6 through line 12.
Strike: line 6 through "parcel;" on line 12

2. Page 2, line 13.
Strike: "(g)"
Insert: "(f)"

3. Page 2.
Following: line 17

Insert: "(3) At the request of the owner, the original certificate of subdivision approval shall be reissued for a parcel previously approved under this part if:
(a) the parcel was subsequently divided without review and approval under this part; and
(b) the unapproved parcels are aggregated to return to the original divided parcel as originally approved."

Amendment **adopted** as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Ankney.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 444 - As amended, **HB 444** was concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 599 - Senator Brown moved **HB 599** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Keenan, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sands, Small, Sweeney, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 445 - Senator Sweeney moved **HB 445** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Smith C, Sweeney, Tempel, Vance, Webber.
Total 35

Nays: Bennett, Boldman, Cohenour, Fitzpatrick, Hinebauch, Kary, Keenan, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Small, Welborn, Mr. President.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 448 - Senator Tempel moved **HB 448** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Howard, Keenan, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 572 - Senator Bogner moved **HB 572** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Gross, Jacobson, Lynch, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: Molnar.
Total 1

HB 439 - President Blasdel moved **HB 439** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 230 - Senator K. Regier moved **HB 230** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 362 - Senator Bogner moved **HB 362** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 491 - Senator Cuffe moved **HB 491** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 590 - Senator Fox moved **HB 590** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 257 - President Blasdel moved **HB 257** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 398 - Senator Gross moved **HB 398** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 21 - Senator Fox moved **HJ 21** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 337 - Senator McGillvray moved **HB 337** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Glimm moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch,

Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Bennett, Boland, Boldman, Cohenour, Fox, Gross, Keenan, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 47 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Keenan.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 221 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gross, Hoven, Howard, Jacobson, Lynch, McClafferty, McNally, Molnar,

Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber.
Total 31

Nays: Brown, Ellsworth, Esp, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Kary, Keenan, Lang, Manzella, McGillvray, Regier K, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 391 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 450 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Cohenour, Ellis, O'Brien.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 477 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 483 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 498 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 503 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 509 failed as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber.
Total 21

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Welborn, Mr. President.
Total 29

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 517 concurred in as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 549 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 554 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Fitzpatrick moved that **HB 640** be taken from the Business, Labor and Economic Affairs Committee and placed on second reading the next legislative day. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Molnar moved that **HB 495** be taken from Public Health, Welfare, and Safety Committee and placed on second reading the next legislative day. Motion **failed** as follows.

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 21

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, April 14, 2021, the seventy-first legislative day. Motion carried.

Senate adjourned at 3:29 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SEVENTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 14, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/14/2021

Correctly printed: **SJ 26**, **SR 98**, **HB 67**, **HB 73**, **HB 131**, **HB 230**, **HB 233**, **HB 257**, **HB 260**, **HB 337**, **HB 362**, **HB 398**, **HB 439**, **HB 445**, **HB 448**, **HB 468**, **HB 491**, **HB 520**, **HB 572**, **HB 590**, **HB 599**, **HB 620**, **HB 624**, **HB 640**, **HB 641**, **HB 663**, **HB 665**, **HB 669**, **HB 704**, **HJ 21**.
Correctly engrossed: **HB 444**, **HB 497**, **HB 588**, **HB 632**, **HB 688**.
Transmitted to the House: **HB 221**, **HB 391**, **HB 450**, **HB 477**, **HB 483**, **HB 498**, **HB 503**, **HB 517**, **HB 549**, **HB 554**.

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 4/13/2021
HB 610, be concurred in.

JUDICIARY (Regier, Chair): 4/13/2021
HB 602, be concurred in.

JUDICIARY (Regier, Chair): 4/14/2021
HB 656, be amended as follows:

1. Page 2, line 21.
Strike: "$250,000"
Insert: "$1"

And, as amended, be concurred in.

HB 658, be concurred in.
HB 696, be concurred in.
HB 709, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

In consultation with House and Senate leadership, President Blasdel created the Special Joint Select Committee on Judicial Transparency and Accountability under the authority of Senate rule S30-10 (4) The committee will extend through the term of the 67th Legislature. The President appointed Senators McGillvray, Hertz, and Sands to the committee.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/13/2021

SB 249, introduced by M. Lang
SB 265, introduced by S. Fitzpatrick
SB 266, introduced by S. Fitzpatrick
SB 364, introduced by S. Fitzpatrick

Senate joint resolution concurred in and returned to the Senate: 4/13/2021

SJ 19, introduced by M. Cuffe

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/13/2021

SB 201, introduced by S. Fitzpatrick
SB 294, introduced by J. Esp
SB 328, introduced by D. Ankney
SB 358, introduced by J. Esp
SB 363, introduced by S. Fitzpatrick

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

4/13/2021

SJ 16, introduced by S. Hinebauch

Senate amendments to House bills concurred in: 4/13/2021

HB 129, introduced by D. Bedey
HB 146, introduced by B. Mercer
HB 334, introduced by J. Carlson

HB 112 - The House failed to concur in Senate amendments to **HB 112,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 112:**

4/13/2021

Representative Fuller, Vice Chair
Representative France
Representative A. Regier

HB 2 - The House failed to concur in Senate amendments to **HB 2,** authorized the Speaker to appoint the following Free Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 2:**

4/13/2021

Representative Jones, Vice Chair
Representative Bartel
Representative Caferro

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 230 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 257 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch,

McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 337 failed to attain the required 2/3 vote as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 362 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 398 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 439 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 445 concurred in as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Flowers, Friedel, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 40

Nays: Bennett, Boldman, Cohenour, Fitzpatrick, Fox, Gauthier, O'Brien, Pomnichowski, Sands, Webber.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 448 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Howard, Keenan, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 468 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 491 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 572 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 590 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 599 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, Osmundson, Sales, Salomon, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Keenan, McClafferty, McNally, O'Brien, Pomnichowski, Pope, Regier K, Sands, Small, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 21 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 67 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Keenan.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 73 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 233 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Glimm.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 131 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 48

Nays: Glimm, Keenan.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 260 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 98 - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 98**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 46 - Senator Salomon moved **HB 46** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: McGillvray.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 206 - Senator Salomon moved **HB 206** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 472 - Senator Fitzpatrick moved **HB 472** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 669 - Senator Fitzpatrick moved **HB 669** be concurred in. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Welborn, Mr. President.
Total 27

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 640 - Senator Fitzpatrick moved **HB 640** be concurred in.

HB 640 - Senator Fitzpatrick moved **HB 640**, second reading copy, be amended as follows:

1. Title, line 7.
Following: "REQUIREMENTS;"
Strike: "AND"

2. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 5.
Following: line 2
Insert: "NEW SECTION. **Section 3.** {standard} **Effective date**. [This act] is effective on passage and approval."

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 640 - As amended, **HB 640** was concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 553 - Senator Sands moved **HB 553** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 255 - Senator Friedel moved **HB 255** be concurred in.

HB 255 - Senator Friedel moved **HB 255**, second reading copy, be amended as follows:

1. Title, line 8 through line 9.

Strike: "REQUIRING" on line 8 through "CHANGE;" on line 9

2. Page 2, line 14.
Following: "(b)"
Strike: "(A)"

3. Page 2, line 15.
Following: "7-13-2263"
Insert: "and must be filled as provided in subsections (2) and (3)"

4. Page 2, line 16 through line 17.
Strike: subsection (b) in its entirety

5. Page 2, line 18.
Following: "(2) (a)"
Insert: "If a vacancy occurs on the board of directors for a seat originally filled as provided in 7-13-2232(1), the remaining directors may appoint a replacement director by majority vote.
(b)"
Following: "are"
Insert: "no directors remaining on the board and"

6. Page 2, line 19.
Following: "appoint"
Strike: "up to"

7. Page 2, line 23.
Strike: "(b)"
Insert: "(c)"

8. Page 3, line 5.
Strike: "subsection"
Insert: "subsections"

9. Page 3, line 5.
Following: "(2)(a)"
Insert: "and (2)(b)"

10. Page 3, line 27 through line 28.
Strike: "mailed" on line 27 through "district" on line 28
Insert: "posted to a website operated by the district or, if the district does not operate a website, posted to a website operated by the county or city with territory within the district"

11. Page 3, line 28.
Following: "The"
Strike: "mailed"

Following: "notice"
Insert: "posted to the website"

12. Page 4, line 7.
Following: "~~not~~"
Insert: "not"

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Bennett, Gross, Jacobson, Lynch, McClafferty, Morigeau, Pomnichowski, Sands.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 255 - As amended, **HB 255** was concurred in as follows:

Yeas: Boldman, Brown, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gillespie, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Manzella, McGillvray, McNally, Molnar, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber.
Total 30

Nays: Ankney, Bennett, Bogner, Boland, Cohenour, Ellsworth, Esp, Gauthier, Glimm, Gross, Keenan, Lynch, McClafferty, Morigeau, O'Brien, Osmundson, Pomnichowski, Tempel, Welborn, Mr. President.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 277 - Senator Bennett moved **HB 277** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 406 - Senator Kary moved **HB 406** be concurred in. Motion **failed** as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Smith C, Vance, Mr. President.
Total 23

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 27

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 406 - Majority Leader Smith moved **HB 406** be indefinitely postponed. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Keenan, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 29

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Welborn excused at this time.

HB 497 - Senator Osmundson moved **HB 497** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 249 - Senator Ellsworth moved **HB 249** be concurred in.

HB 249 - Senator Hertz moved **HB 249**, second reading copy, be amended as follows:

1. Page 3, line 12.

Following: "(3)"
Insert: "(a)"

2. Page 3, line 15.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

3. Page 3.
Following: line 23
Insert: "(b) A licensee may not advertise marijuana or marijuana-related products using pop-up advertisements that display in a new internet browser window.
(c) A licensee may not direct advertising of marijuana or marijuana-related products toward mobile devices in the form of push notifications unless users affirmatively opt in to receiving push notifications related to marijuana or marijuana-related products."

4. Page 4, line 8.
Following: "(3)"
Insert: "(a)"

5. Page 4, line 11.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

6. Page 4.
Following: line 19
Insert: "(b) A licensee may not advertise marijuana or marijuana-related products using pop-up advertisements that display in a new internet browser window.
(c) A licensee may not direct advertising of marijuana or marijuana-related products toward mobile devices in the form of push notifications unless users affirmatively opt in to receiving push notifications related to marijuana or marijuana-related products."

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Boland, Gross, McClafferty, Sands.
Total 4

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: Cuffe.
Total 1

HB 249 - As amended, **HB 249** was concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Vance, Welborn, Mr. President.
Total 37

Nays: Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gross, McClafferty, O'Brien, Pomnichowski, Pope, Sands, Tempel, Webber.
Total 13

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 504 - Senator Hinebauch moved **HB 504** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 358 - Senator Esp moved **HB 358** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 481 - Senator Brown moved **HB 481** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 537 - Senator Friedel moved **HB 537** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 559 - Senator Manzella moved **HB 559** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: Ellsworth.
Total 1

HB 447 - Senator Osmundson moved **HB 447** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 44

Nays: Boland, Cohenour, Ellis, Gross, Sands, Webber.
Total 6

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 506 - Senator Vance moved **HB 506** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 588 - Senator Kary moved **HB 588** be concurred in.

HB 588 - Senator Kary moved **HB 588**, second reading copy, be amended as follows:

1. Page 4, line 26.
Strike: the first "agency"
Insert: "department"

2. Page 4, line 26.
Strike: the second "agency"
Insert: "department"

3. Page 5, line 2.
Strike: "agency"
Insert: "department"

4. Page 5, line 3.
Strike: "agency"
Insert: "department"

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 38

Nays: Bennett, Boland, Boldman, Cohenour, Gross, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Webber.
Total 12

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 588 - As amended, **HB 588** was concurred in as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Mr. President.
Total 27

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber, Welborn.
Total 23

Voted absentee: Welborn, No.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

HB 273 - Senator Gauthier moved **HB 273** be concurred in. Motion carried as follows:
Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: Welborn, Aye.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Mr. President.
Total 41

Nays: Boland, Cohenour, Gross, Jacobson, McClafferty, Pomnichowski, Pope, Webber.
Total 8

Voted absentee: None.

Excused: Welborn.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/13/2021
HB 576, be amended as follows:

1. Page 5.
Following: line 26
Insert: "NEW SECTION. **Section 4. Existing projects and contracts -- grandfather clause.** [This act] does not affect a public utility's continued recovery of costs, or rate base treatment of investment, associated with any existing renewable energy project and may not be construed to alter, amend, diminish, or invalidate rights or duties governed by contract, agreement, or lease entered into prior to [the effective date of this act]."
Renumber: subsequent sections

2. Page 6.
Following: line 15
Insert: " NEW SECTION. **Section 8.** {standard} **Severability**. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Insert: "COORDINATION SECTION. **Section 9. Coordination instruction**. If both Senate Bill No. 237 and [this act] are passed and approved, then Senate Bill No. 237 is void."
Insert: "COORDINATION SECTION. **Section 10. Coordination instruction**. If both House Bill No. 475 and [this act] are passed and approved, the House Bill No. 475 is void."
Renumber: subsequent sections

3. Page 6, line 19.
Strike: "the compliance year beginning January 1, 2021"
Insert: "any application pending or commenced before the public service commission prior to [the effective date of this act]"

And, as amended, be concurred in.

HJ 16, be amended as follows:

1. Title, line 5.
Following: "ALLOW"
Strike: "NORTHWEST"

2. Page 1, line 27.
Strike: "exclude"
Insert: "include"

3. Page 1, line 27 through line 28.
Strike: "from" on line 27 through "Spokane" on line 28

Insert: "in the appropriate"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MOTIONS

Majority Leader Smith moved that **HB 497**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 277**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 553**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 46**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 112**. Motion carried. President Blasdel appointed:

4/14/2021

Senator K. Regier, Chair
Senator Bennett
Senator Howard

Majority Leader Smith moved the Senate **suspend rules S40-40, S40-60, S50-190, and joint rule 40-150** through the seventy-third legislative day. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, April 15, 2021, the seventy-second legislative day. Motion carried.

Senate adjourned at 3:32 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SEVENTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 15, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/15/2021

Correctly printed: **SJ 23**, **SJ 25**, **SJ 27**, **SJ 28**, **SR 76**, **SR 82**, **SR 85**, **SR 86**, **SR 92**, **SR 96**, **SR 98**, **HB 46**, **HB 92**, **HB 115**, **HB 206**, **HB 229**, **HB 273**, **HB 277**, **HB 341**, **HB 358**, **HB 380**, **HB 428**, **HB 429**, **HB 430**, **HB 447**, **HB 472**, **HB 475**, **HB 481**, **HB 497**, **HB 504**, **HB 506**, **HB 520**, **HB 537**, **HB 553**, **HB 559**, **HB 576**, **HB 578**, **HB 602**, **HB 610**, **HB 630**, **HB 632**, **HB 635**, **HB 644**, **HB 658**, **HB 663**, **HB 667**, **HB 669**, **HB 696**, **HB 709**, **HJ 5**, **HJ 16**.
Correctly engrossed: **HB 249**, **HB 255**, **HB 495**, **HB 522**, **HB 576**, **HB 588**, **HB 625**, **HB 640**, **HB 656**, **HB 689**, **HB 691**, **HJ 16**.
Correctly enrolled: **SB 63**, **SB 83**, **SB 99**, **SB 121**, **SB 136**, **SB 157**, **SB 166**, **SB 167**, **SB 190**, **SB 206**, **SB 216**, **SB 223**, **SB 234**, **SB 238**, **SB 239**, **SB 247**, **SB 253**, **SB 258**, **SB 261**, **SB 265**, **SB 266**, **SB 283**, **SB 286**, **SB 302**, **SB 307**, **SB 345**, **SB 348**, **SB 350**, **SB 351**, **SB 364**, **SJ 19**, **SJ 21**, **SR 74**, **SR 88**, **SR 95**, **SR 97**.
Transmitted to the House: **HB 67**, **HB 73**, **HB 131**, **HB 230**, **HB 233**, **HB 257**, **HB 260**, **HB 362**, **HB 398**, **HB 439**, **HB 445**, **HB 448**, **HB 468**, **HB 491**, **HB 572**, **HB 590**, **HB 599**, **HJ 21**.

Senator Ankney arose on a point of personal privilege to thank and extend best wishes to Sonja Nowakowski, Research Director with the Legislative Services Division, on her new position with the Executive Branch.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/15/2021
SR 92, be adopted.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 4/14/2021
HB 644, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/14/2021
HB 495, introduced bill, be amended as follows:

1. Title, line 8.
Strike: "ELIMINATE RULES"
Insert: "MAKE RECOMMENDATIONS ON STATUTES, RULES, AND POLICIES"

2. Title, line 9.
Following: "PRACTICES;"
Insert: "CREATING A STATE SPECIAL REVENUE ACCOUNT;"

3. Title, line 9 through line 11.
Strike: "REVISING" on line 9 through "MCA;" on line 11

4. Page 2, line 1.
Following: "compensation"
Insert: "or reimbursement"

5. Page 2, line 1 through line 2.
Strike: "but" on line 1 through "2-18-503" on line 2

6. Page 2, line 9.
Following: "contradicts"
Insert: "state statutes,"
Following: "rules"
Insert: ","

7. Page 2, line 15.
Following: "review"
Insert: "and recommend"

8. Page 3.
Following: line 2
Insert: "NEW SECTION. **Section 2. Health care provider task force special revenue account.**
(1) There is a health care provider task force special revenue account to the credit of the department of labor and industry.
(2) The account consists of grants, gifts, and donations from public and private sources that are made to the department of labor and industry for the purpose of supporting the health care provider task force provided for in [section 1].
(3) Money in the account must be used by the department of labor and industry to support the activities carried out by the health care provider task force.
(4) Money in the account that is unencumbered and unexpended at the end of the biennium must be transferred to the department of labor and industry. The department shall use the reverted money to provide administrative services to the health care provider task force.
Renumber: subsequent sections

9. Page 3, line 4 through page 5, line 17.
Strike: sections 2 through 6 in their entirety
Renumber: subsequent sections
10. Page 5, line 21.
Strike: "[Section 1] terminates"

Insert: "[Sections 1 and 2] terminate"

And, as amended, be concurred in.

HB 625, be amended as follows:

1. Page 1, line 28.
Following: "recommendations"
Insert: "or justification as to why the department is not implementing the recommendations at that time"

2. Page 2, line 1.
Following: "required"
Insert: "or provides justification as to why it is not implementing the recommendations"

3. Page 2, line 5.
Following: "organizations"
Insert: ", consistent with the disclosure and confidentiality provisions of 41-3-1211(5)"

And, as amended, be concurred in. .

HB 691, be amended as follows:

1. Page 3, line 5.
Strike: "$359,000"
Insert: "$231,000"

2. Page 3, line 6.
Strike: "$359,000"
Insert: "$231,000"

3. Page 4, line 22.
Strike: "$179,500"
Insert: "$115,500"

4. Page 4, line 23.
Strike: "$179,500"
Insert: "$115,500"

And, as amended, be concurred in.

STATE ADMINISTRATION (Kary, Chair): 4/14/2021
SJ 23, do pass.
SR 76, be adopted.
SR 82, be adopted.

SR 85, be adopted.
SR 86, be adopted.
SR 96, be adopted.
HB 522, be amended as follows:

1. Page 2, line 12.
Following: "consisting of"
Strike: "seven"
Following: "~~voting~~"
Insert: "eight members. Seven"
Following: "members"
Insert: "must be"

2. Page 2, line 13.
Strike: "subsection (1)(b)"

3. Page 2, line 14.
Following: "~~legislature~~"
Insert: "subsections (1)(b)(i) through (1)(b)(vii). One member must be appointed jointly by the president of the senate and the speaker of the house of representatives as provided in subsection (1)(b)(viii)"

4. Page 3, line 5.
Following: "forces;"
Strike: "and"

5. Page 3, line 7.
Following: "state"
Insert: "; and
(viii) a member representing the legislature who is a state senator or state representative at the time of appointment. The legislative representative must be selected jointly by the president of the senate and the speaker of the house of representatives"

And, as amended, be concurred in.

HB 635, be concurred in.
HB 689, be amended as follows:

1. Title, line 8.
Following: "APPROPRIATION;"
Insert: "REVISING REPORTING REQUIREMENTS APPLICABLE TO RELIGIOUS ORGANIZATIONS IN CAMPAIGNS TO PROTECT THE FREE EXERCISE OF RELIGION AS GUARANTEED BY THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION AND ARTICLE II, SECTION 5, OF THE MONTANA CONSTITUTION; REVISING DEFINITIONS;"

2. Title, line 9.
Following: "SECTIONS"
Insert: "13-1-101,"
Following: "13-37-208,"
Insert: "13-37-233,"

3. Page 2.
Following: line 4
Insert: "NEW SECTION. **Section 2. Religious organization exemptions to be broadly construed.** Pursuant to the first amendment to the United States constitution and to ensure the consistent application of the law, the commissioner shall broadly construe the exemptions concerning religious organizations provided in 13-1-101(9)(b)(ii), (14)(b)(v), (16)(b)(v), and (18)(b)(v)."
Insert: "**Section 3.** Section 13-1-101, MCA, is amended to read:
"**13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:
(1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.
(2) "Active list" means a list of active electors maintained pursuant to 13-2-220.
(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.
(4) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, is submitted to the election administrator, and contains voter registration information subject to verification as provided by law.
(5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.
(6) (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment, recall question, school levy question, bond issue question, or ballot question.
(b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement on the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the secretary of state of the form of the petition or referral to the person who submitted the proposed issue.
(7) "Ballot issue committee" means a political committee specifically organized to support or oppose a ballot issue.
(8) "Candidate" means:
(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;
(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make

expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; or

(c) an officeholder who is the subject of a recall election.

(9) (a) "Contribution" means:

(i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to support or oppose a candidate or a ballot issue;

(ii) an expenditure, including an in-kind expenditure, that is made in coordination with a candidate or ballot issue committee and is reportable by the candidate or ballot issue committee as a contribution;

(iii) the receipt by a political committee of funds transferred from another political committee; or

(iv) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) The term does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residences for a candidate or other individual; or

(ii) the cost of a communication by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices.

(c) This definition does not apply to Title 13, chapter 37, part 6.

(10) "Coordinated", including any variations of the term, means made in cooperation with, in consultation with, at the request of, or with the express prior consent of a candidate or political committee or an agent of a candidate or political committee.

(11) "De minimis act" means an action, contribution, or expenditure that is so small that it does not trigger registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant enforcement as a campaign practices violation under Title 13, chapter 37.

(12) "Election" means a general, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(13) (a) "Election administrator" means, except as provided in subsection (13)(b), the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections not administered by the county, the term means the school district clerk.

(b) As used in chapter 2 regarding voter registration, the term means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties even if the school election is administered by the school district clerk.

(14) (a) "Election communication" means the following forms of communication to support or oppose a candidate or ballot issue:

(i) a paid advertisement broadcast over radio, television, cable, or satellite;

(ii) paid placement of content on the internet or other electronic communication network;

(iii) a paid advertisement published in a newspaper or periodical or on a billboard;

(iv) a mailing; or
(v) printed materials.
(b) The term does not mean:
(i) an activity or communication for the purpose of encouraging individuals to register to vote or to vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;
(ii) a communication that does not support or oppose a candidate or ballot issue;
(iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation;
(iv) a communication by any membership organization or corporation to its members, stockholders, or employees;
(v) a communication by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices; or
(vi) a communication that the commissioner determines by rule is not an election communication.
(15) "Election judge" means a person who is appointed pursuant to Title 13, chapter 4, part 1, to perform duties as specified by law.
(16) (a) "Electioneering communication" means a paid communication that is publicly distributed by radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the district voting on the candidate or ballot issue, and that:
(i) refers to one or more clearly identified candidates in that election;
(ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that election; or
(iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.
(b) The term does not mean:
(i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation unless the facilities are owned or controlled by a candidate or political committee;
(ii) a communication by any membership organization or corporation to its members, stockholders, or employees;
(iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in the candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;
(iv) a communication that constitutes a candidate debate or forum or that solely promotes a candidate debate or forum and is made by or on behalf of the person sponsoring the debate or forum; ~~or~~
(v) a communication by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices; or
(vi) a communication that the commissioner determines by rule is not an electioneering communication.

(17) "Elector" means an individual qualified to vote under state law.
(18) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value:
(i) made by a candidate or political committee to support or oppose a candidate or a ballot issue; or
(ii) used or intended for use in making independent expenditures or in producing electioneering communications.
(b) The term does not mean:
(i) services, food, or lodging provided in a manner that they are not contributions under subsection (9);
(ii) payments by a candidate for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;
(iii) the cost of any bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or
(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees; or
(v) the cost of a communication by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices.
(c) This definition does not apply to Title 13, chapter 37, part 6.
(19) "Federal election" means an election in even-numbered years in which an elector may vote for individuals for the office of president of the United States or for the United States congress.
(20) "General election" means an election that is held for offices that first appear on a primary election ballot, unless the primary is canceled as authorized by law, and that is held on a date specified in 13-1-104.
(21) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.
(22) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.
(23) (a) "Incidental committee" means a political committee that is not specifically organized or operating for the primary purpose of supporting or opposing candidates or ballot issues but that may incidentally become a political committee by receiving a contribution or making an expenditure.
(b) For the purpose of this subsection (23), the primary purpose is determined by the commissioner by rule and includes criteria such as the allocation of budget, staff, or members' activity or the statement of purpose or goal of the person or individuals that form the committee.
(24) "Independent committee" means a political committee organized for the primary purpose of receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant to the limits set forth in 13-37-216(1).
(25) "Independent expenditure" means an expenditure for an election communication to support or oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue committee.
(26) "Individual" means a human being.
(27) "Legally registered elector" means an individual whose application for voter registration was

accepted, processed, and verified as provided by law.

(28) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing ballots to all active electors.

(29) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, including a political committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (8).

(30) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307 for a mail ballot election conducted under Title 13, chapter 19.

(31) (a) "Political committee" means a combination of two or more individuals or a person other than an individual who receives a contribution or makes an expenditure:

(i) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination;

(ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(iii) to prepare or disseminate an election communication, an electioneering communication, or an independent expenditure.

(b) Political committees include ballot issue committees, incidental committees, independent committees, and political party committees.

(c) A candidate and the candidate's treasurer do not constitute a political committee.

(d) A political committee is not formed when a combination of two or more individuals or a person other than an individual makes an election communication, an electioneering communication, or an independent expenditure of $250 or less.

(32) "Political party committee" means a political committee formed by a political party organization and includes all county and city central committees.

(33) "Political party organization" means a political organization that:

(a) was represented on the official ballot in either of the two most recent statewide general elections; or

(b) has met the petition requirements provided in Title 13, chapter 10, part 5.

(34) "Political subdivision" means a county, consolidated municipal-county government, municipality, special purpose district, or any other unit of government, except school districts, having authority to hold an election.

(35) "Polling place election" means an election primarily conducted at polling places rather than by mail under the provisions of Title 13, chapter 19.

(36) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to nominate candidates for offices filled at a general election.

(37) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been verified as provided by law.

(38) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose identity or eligibility has not yet been verified as provided by law.

(39) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(40) "Random-sample audit" means an audit involving a manual count of ballots from designated races and ballot issues in precincts selected through a random process as provided in 13-17-503.

(41) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(42) "Regular school election" means the school trustee election provided for in 20-20-105(1).
(43) "School election" has the meaning provided in 20-1-101.
(44) "School election filing officer" means the filing officer with whom the declarations for nomination for school district office were filed or with whom the school ballot issue was filed.
(45) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount duties in school elections.
(46) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is designed to:
(a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and
(b) allow it to be used in the United States mail.
(47) "Special election" means an election held on a day other than the day specified for a primary election, general election, or regular school election.
(48) "Special purpose district" means an area with special boundaries created as authorized by law for a specialized and limited purpose.
(49) "Statewide voter registration list" means the voter registration list established and maintained pursuant to 13-2-107 and 13-2-108.
(50) "Support or oppose", including any variations of the term, means:
(a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to voters in an election; or
(b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the passage or defeat of the ballot issue or other question submitted to the voters in an election.
(51) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in 13-15-206.
(52) "Voted ballot" means a ballot that is:
(a) deposited in the ballot box at a polling place;
(b) received at the election administrator's office; or
(c) returned to a place of deposit.
(53) "Voter interface device" means a voting system that:
(a) is accessible to electors with disabilities;
(b) communicates voting instructions and ballot information to a voter;
(c) allows the voter to select and vote for candidates and issues and to verify and change selections; and
(d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's accuracy and that may be manually counted.
(54) "Voting system" or "system" means any machine, device, technology, or equipment used to automatically record, tabulate, or process the vote of an elector cast on a paper ballot.""
Renumber: subsequent sections

5. Page 5.

Following: line 28
Insert: "**Section 8.** Section 13-37-233, MCA, is amended to read:
"**13-37-233. Reports to be filed regardless of tax status.** (1) A person that makes an election communication, an electioneering communication, or an independent expenditure shall file reports required by this chapter regardless of the person's tax status under state or federal law.
(2) This section does not apply to the exemptions granted to a religious organization under the definitions of a contribution, election communication, electioneering communication, and expenditure as provided in 13-1-101.""
Renumber: subsequent sections

6. Page 6, line 24.
Following: "**instruction.**"
Insert: "(1)"

7. Page 6.
Following: line 25
Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 13, chapter 37, part 2, and the provisions of Title 13, chapter 37, part 2, apply to [section 2]."

8. Page 6.
Following: line 26
Insert: "COORDINATION SECTION. **Section 14. Coordination instruction**. If both Senate Bill No. 319 and [this act] are passed and approved and if both include a section that amends 13-37-208, then:
(1) [section 7 of this act], amending 13-37-208, is void; and
(2) [section 11(3) of Senate Bill No. 319], amending 13-37-208, must be amended as follows: "(3) Accounts kept by a campaign treasurer of a candidate, ~~or~~ political committee, or joint fundraising committee must be preserved by the campaign treasurer for a period ~~coinciding with the term of office for which the person was a candidate, the longest term of office for which a participant was a candidate, or for a period~~ of 4 years~~, whichever is longer~~.""
Renumber: subsequent sections

And, as amended, be concurred in.

TAXATION (Hoven, Chair): 4/15/2021
SJ 25, do pass.
HB 667, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 300**
Report No. 001, April 15, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 300** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 300** (reference copy -- salmon) be amended as follows:

1. Title, line 7.
Strike: "ALTERNATIVE"
Insert: "PRIVATE"

2. Title, line 7.
Following: "COURSES"
Strike: "THAT MEET CRITERIA"

3. Title, line 11.
Following: "ALLOWING"
Insert: "A PARENT OR GUARDIAN OF A STUDENT WHO COMPLETES THE TRAFFIC EDUCATION CLASSROOM INSTRUCTION TO INSTRUCT THE STUDENT IN THE HANDS-ON DRIVING PORTION OF THE TRAFFIC EDUCATION COURSE; ALLOWING"

4. Title, line 13 through line 14.
Strike: "REQUIRING" on line 13 through "COURSE;" on line 14

5. Page 2, line 2 through line 3.
Strike: "FLEXIBILITY" on line 2 through "APPROVAL" on line 3
Insert: "a commercially available private traffic education course"

6. Page 2, line 8.
Following: "reviews;"
Strike: "AND"

7. Page 2, line 10.
Following: "20-7-503(2)(a)"
Insert: "; and"

8. Page 2.
Following: line 13
Insert: "(11) establish any alternative course requirements necessary to allow the student's parents or guardian to instruct the student in the hands-on driving component of a traffic

education course pursuant to 20-7-503(2)(b)"

9. Page 3, line 2 through line 6.
Following: "~~guardian~~" on line 28
Strike: remainder of line 2 through "NIGHT." on line 6
Insert: "When a student completes the classroom portion of a traffic education course pursuant to subsection (2)(a), the student is authorized to take the hands-on driving portion of the traffic education course under the instruction of the student's parent or guardian."

10. Page 5, line 16 through line 17.
Strike: "pursuant" on line 16 through "20-7-503(2)(b)" on line 17
Insert: "by the department of justice"

For the Senate:	For the House:
Glimm, Chair	Loge, Vice Chair
Sands	J. Hinkle
Vance	Novak

Without objection, the select committee report was adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/14/2021

SB 301, introduced by T. Manzella
SB 314, introduced by B. Brown
SB 337, introduced by M. Lang
SB 338, introduced by M. Lang
SB 360, introduced by M. Lang

Senate joint resolutions concurred in and returned to the Senate: 4/14/2021

SJ 8, introduced by K. Regier
SJ 10, introduced by J. Small

Senate bills not concurred in and returned to the Senate: 4/14/2021

SB 164, introduced by C. Glimm
SB 260, introduced by S. Fitzpatrick

Senate amendments to House bills concurred in: 4/14/2021

HB 90, introduced by D. Lenz

HB 179, introduced by D. Bedey
HB 331, introduced by C. Knudsen
HB 333, introduced by B. Usher

HB 63 - The House failed to concur in Senate amendments to **HB 63,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 63:**

4/14/2021

Representative Dooling, Vice Chair
Representative Sullivan
Representative Vinton

HB 178 - The House failed to concur in Senate amendments to **HB 178,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 178:**

4/14/2021

Representative Bedey, Vice Chair
Representative Bertoglio
Representative Running Wolf

HB 555 - The House failed to concur in Senate amendments to **HB 555,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 555:**

4/14/2021

Representative M. Regier, Vice Chair
Representative Farris-Olsen
Representative Mercer

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 27, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.
SJ 28, introduced by M. Blasdel, referred to Natural Resources.

The following House bill, previously introduced, was referred to committee:

HB 340, introduced by W. Galt, G. Hertz, C. Knudsen, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hinebauch in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Morigeau excused at this time.

HB 475 - Senator Small moved **HB 475** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Morigeau, No.

Excused: Morigeau.
Total 1

Absent or not voting: None.
Total 0

HB 229 - Senator K. Regier moved **HB 229** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Morigeau, No.

Excused: Morigeau.
Total 1

Absent or not voting: None.
Total 0

HB 428 - Senator Esp moved **HB 428** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: Morigeau, No.

Excused: Morigeau.
Total 1

Absent or not voting: None.
Total 0

HB 380 - Senator K. Regier moved **HB 380** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: Morigeau, No.

Excused: Morigeau.
Total 1

Absent or not voting: None.
Total 0

HB 244 - Senator Glimm moved **HB 244** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, Osmundson, Regier K, Smith C, Tempel, Vance, Mr. President.
Total 24

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Kary, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn.
Total 26

Voted absentee: Morigeau, No.

Excused: Morigeau.
Total 1

Absent or not voting: None.
Total 0

Senator Morigeau present at this time.

HB 244 - Majority Leader Smith moved **HB 244** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hertz, Jacobson, Kary, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn.
Total 30

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hinebauch, Hoven, Howard, Keenan, Lang, Osmundson, Regier K, Smith C, Tempel, Vance, Mr. President.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 520 - Senator Gross moved **HB 520** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Esp.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 341 - Senator Glimm moved **HB 341** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 429 - Senator Kary moved **HB 429** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr.

President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Ellsworth excused at this time.

HJ 5 - Senator Molnar moved **HJ 5** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Ellsworth.
Total 1

Absent or not voting: None.
Total 0

HB 663 - Senator Salomon moved **HB 663** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Howard.
Total 1

Voted absentee: Ellsworth, Aye.

Excused: Ellsworth.
Total 1

Absent or not voting: None.
Total 0

HB 430 - Senator Blasdel moved **HB 430** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ellsworth, Aye.

Excused: Ellsworth.
Total 1

Absent or not voting: None.
Total 0

SB 251 - **House Amendments** - Majority Leader Smith moved House amendments to **SB 251** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Ellsworth, Aye.

Excused: Ellsworth.
Total 1

Absent or not voting: None.
Total 0

SB 199 - **House Amendments** - Senator Hertz moved House amendments to **SB 199** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Webber.
Total 19

Voted absentee: Ellsworth, Aye.

Excused: Ellsworth.
Total 1

Absent or not voting: None.
Total 0

SB 174 - **House Amendments** - Senator Hertz moved House amendments to **SB 174** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: Ellsworth, Aye.

Excused: Ellsworth.
Total 1

Absent or not voting: None.
Total 0

SB 306 - **House Amendments** - Senator Lang moved House amendments to **SB 306** be **not** concurred in. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 29

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 21

Voted absentee: Ellsworth, Aye.

Excused: Ellsworth.
Total 1

Absent or not voting: None.
Total 0

SB 327 - Majority Leader Smith moved consideration of **SB 327 HA** be placed at the bottom of the second reading board. Without objection, so ordered.

Senator Ellsworth present at this time.

SJ 6 - **House Amendments** - Senator Ellis moved House amendments to **SJ 6** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SJ 11 - **House Amendments** - Senator Boldman moved House amendments to **SJ 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 201 - **House Amendments** - Senator Fitzpatrick moved House amendments to **SB 201** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 41

Nays: Bennett, Boland, Gross, McClafferty, McNally, Morigeau, O'Brien, Sands, Webber.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 294 - **House Amendments** - Senator Esp moved House amendments to **SB 294** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 328 - **House Amendments** - Senator Ankney moved House amendments to **SB 328** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 358 - **House Amendments** - Senator Esp moved House amendments to **SB 358** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Lynch.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 630 - Senator Osmundson moved **HB 630** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Glimm, Hinebauch, Howard, Keenan, Manzella, McGillvray, Regier K, Smith C.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 632 - Senator Osmundson moved **HB 632** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Gauthier, Gillespie, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Morigeau, Osmundson, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Boland, Cohenour, Flowers, Friedel, Glimm, Gross, Hinebauch, Howard, Keenan, Manzella, McGillvray, Molnar, O'Brien, Pomnichowski, Pope, Regier K, Smith C, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 16 - Senator Cuffe moved **HJ 16** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 48

Nays: Gross, Vance.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 576 - Senator Ankney moved **HB 576** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 327 - **House Amendments** - Senator Ellsworth moved House amendments to **SB 327** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellsworth, Esp, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Welborn, Mr. President.
Total 41

Nays: Ellis, Fitzpatrick, Gross, Howard, McNally, Morigeau, Pomnichowski, Tempel, Webber.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Hinebauch moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 39

Nays: Boland, Boldman, Cohenour, Gross, Jacobson, McClafferty, McGillvray, Pomnichowski, Pope, Sands, Webber.
Total 11

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **HB 663**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 63**. Without objection, so ordered. President Blasdel appointed Senator Fitzpatrick, Chair, and Senators Gauthier and Pope.

Majority Leader Smith moved the President be authorized to appoint a Conference Committee on **SB 306** and request the House to appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Lang, Chair, and Senators Flowers and Hinebauch.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 2**. Without objection, so ordered. President Blasdel appointed Senator Osmundson, Chair, and Senators Ellis and Smith.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/15/2021
HB 705, be amended as follows:

1. Title, line 13.
Following: "SECTIONS"
Insert: "16-3-218, 16-3-301,"

2. Title, line 15.
Strike: "AN IMMEDIATE EFFECTIVE DATE"
Insert: "EFFECTIVE DATES"

3. Page 2.
Following: line 15
Insert: "**Section 1.** Section 16-3-218, MCA, is amended to read:
"**16-3-218. "Distribute" defined.** As used in 16-3-219, 16-3-220, 16-4-103, and 16-4-108, "distribute" means to deliver beer or wine to a retailer's premises licensed to sell beer, table wine, or sacramental wine <u>as well as an alternate alcoholic beverage storage facility as allowed in 16-4-213(8)</u>.""
Insert: "**Section 2.** Section 16-3-301, MCA, is amended to read:
"**16-3-301. Unlawful purchases, transfers, sales, or deliveries -- presumption of legal age.** (1) It is unlawful for a licensed retailer to purchase or acquire beer or wine from anyone

except a brewery, winery, or wholesaler licensed under the provisions of this code except as allowed in 16-4-213(8).

(2) It is unlawful for a licensed retailer to transport beer or wine from one licensed premises or other facility to any other licensed premises owned by the licensee except as allowed in 16-4-213(8).

(3) It is unlawful for a licensed retailer to purchase or acquire liquor from anyone except an agency liquor store except as allowed in 16-4-213(8).

~~(3)~~(4) It is unlawful for a licensed wholesaler to purchase beer or wine from anyone except a brewery, winery, or wholesaler licensed or registered under this code.

~~(4)~~(5) It is unlawful for any licensee, a licensee's employee, or any other person to sell, deliver, or give away or cause or permit to be sold, delivered, or given away any alcoholic beverage to:

(a) any person under 21 years of age; or

(b) any person actually, apparently, or obviously intoxicated.

~~(5)~~(6) Any person under 21 years of age or any other person who knowingly misrepresents the person's qualifications for the purpose of obtaining an alcoholic beverage from the licensee is equally guilty with the licensee and, upon conviction, is subject to the penalty provided in 45-5-624. However, nothing in this section may be construed as authorizing or permitting the sale of an alcoholic beverage to any person in violation of any federal law.

~~(6)~~(7) All licensees shall display in a prominent place in their premises a placard, issued by the department, stating fully the consequences for violations of the provisions of this code by persons under 21 years of age.

~~(7)~~(8) For purposes of 45-5-623 and this title, the establishment of the following facts by a person making a sale of alcoholic beverages to a person under the legal age constitutes prima facie evidence of innocence and a defense to a prosecution for sale of alcoholic beverages to a person under the legal age:

(a) the purchaser falsely represented and supported with documentary evidence that an ordinary and prudent person would accept that the purchaser was of legal age to purchase alcoholic beverages;

(b) the appearance of the purchaser was such that an ordinary and prudent person would believe the purchaser to be of legal age to purchase alcoholic beverages; and

(c) the sale was made in good faith and in reasonable reliance upon the representation and appearance of the purchaser that the purchaser was of legal age to purchase alcoholic beverages. (See compiler's comments for contingent termination of certain text.)""

Renumber: subsequent sections

4. Page 2, line 17.
Following: "(1)"
Insert: "(a)"

5. Page 2.
Following: line 27
Insert: "(b) A resort retail all-beverages licensee or a retail all-beverages licensee within the boundaries of a resort area may also utilize an alternate alcoholic beverage storage facility as allowed in 16-4-213(8)."

6. Page 2, line 28 through page 3, line 1.
Following: "premises" on line 28
Strike: remainder of line 28 through "begin" on page 3, line 1

7. Page 3, line 1.
Strike: "(1)"
Insert: "(1)(a)"

8. Page 3, line 2.
Following: "provide"
Insert: "a copy of the revised floorplan with the proposed alteration for the licensed premises to the department within 7 days of beginning the alteration. Department approval may not be unreasonably withheld."

9. Page 3, line 2 through line 3.
Strike: "A" on line 2 through "COMPLETE" on line 3

10. Page 3, line 5.
Following: "~~alteration~~."
Insert: "If the completed alteration differs from the approved alteration due to modifications required for approval by other state or local government entities, such as compliance with fire or building codes, the department must be notified, but preapproval is not required for these modifications."

11. Page 3, line 8.
Following: "TO"
Insert: "beginning"
Following: "ALTERATION"
Strike: "OCCURRING"

12. Page 3, line 18 through line 19.
Strike: ", such" on line 18 through "impede" on line 19
Insert: "and impedes"

13. Page 3, line 21.
Following: "area"
Insert: "that is under the control of the licensed retailer"

14. Page 3, line 22.
Strike: "alcohol"
Insert: "alcoholic"

15. Page 3, line 26.
Strike: "FOR LICENSED RETAILERS"
Insert: "A licensed retailer"

16. Page 3, line 26.
Strike: "<u>,</u>"
Insert: "may apply to the department to allow for"

17. Page 3, line 27.
Strike: "<u>ALCOHOL</u>"
Insert: "alcoholic beverages"

18. Page 4, line 1.
Following: "<u>SERVICE.</u>"
Insert: "The application fee is $100."

19. Page 5, line 22 through line 23.
Strike: "<u>, such</u>" on line 22 through "<u>impede</u>" on line 23
Insert: "and impedes"

20. Page 5, line 27.
Following: "section,"
Insert: "a licensee may apply to the department to allow for"

21. Page 5, line 28 through page 6, line 1.
Following: "<u>units</u>" on line 28
Strike: remainder of line 28 through "~~on~~" on page 6, line 1

22. Page 6, line 2.
Following: "~~intoxicated~~."
Insert: "The application fee is $100."

23. Page 6, line 9.
Strike: "<u>resort area</u>"
Insert: "licensees"

24. Page 6, line 9.
Strike: "<u>for a</u>"
Insert: "to use a"

25. Page 6, line 11.
Strike: "<u>must</u>"
Insert: "will"

26. Page 6, line 11.
Strike: "<u>one of the</u>"
Insert: "each licensee's"

27. Page 6, line 12.

Following: "The"
Insert: "licensees using the"

28. Page 6, line 17.
Following: line 16
Insert: "licensee"

29. Page 6, line 17.
Strike: "licensee"
Insert: "to use the alternate storage facility"

30. Page 7, line 11.
Following: "protestor"
Insert: "when renewing the license"

31. Page 7, line 11.
Strike: "and"
Insert: "(v) the applicant has not been convicted of a felony or, if the applicant has been convicted of a felony, the applicant's rights have been restored; and"

32. Page 7, line 12.
Strike: "(v)"
Insert: "(vi)"

33. Page 8, line 10 through line 11.
Strike: "who" on line 10 through "partnership" on line 11

34. Page 9, line 8.
Following: "protestor"
Insert: "when renewing the license"

35. Page 9, line 23 through line 24.
Strike: "who" on line 23 through "partnership" on line 24

36. Page 10, line 19.
Following: "protestor"
Insert: "when renewing the license"

37. Page 11, line 12 through line 13.
Strike: "who" on line 12 through "partnership" on line 13

38. Page 12, line 17 through line 18.
Strike: "in" on line 17 through "manner" on line 18
Insert: "within 90 days"

39. Page 12, line 20.

Strike: "45"
Insert: "90"

40. Page 12, line 22.
Following: "subsection"
Insert: "(9)"

41. Page 14, line 14 through line 16.
Following: "SAFETY" ON LINE 14
INSERT: ","
STRIKE: REMAINDER OF LINE 14 THROUGH LINE 16 IN THEIR ENTIRETY
INSERT: "OR THERE IS NOT A PROPOSED CURE IN PLACE;"

42. PAGE 14, LINE 18.
FOLLOWING: "EXPIRATION"
INSERT: "ONLY IF THE VIOLATIONS JEOPARDIZE HEALTH, WELFARE, AND SAFETY, OR THERE IS NOT A PROPOSED CURE IN PLACE"

43. PAGE 15, LINE 18.
FOLLOWING: THE SECOND "A"
INSERT: "PRIVATELY HELD"

44. PAGE 15, LINE 19.
STRIKE: THE FIRST ","
INSERT: "AND"

45. PAGE 15, LINE 19.
STRIKE: ", AND,"
Insert: "shall submit their fingerprints with the application to facilitate a fingerprint and background check by the department of justice and the federal bureau of investigation."

46. Page 15, line 20.
Following: "CORPORATION,"
Strike: "EACH officer responsible for operating the licensed establishment"

47. Page 15, line 21.
Following: "~~director~~"
Insert: "any person employed by the applicant as a location manager and an officer"

48. Page 16, line 24.
Following: "15%"
Insert: "or greater"

49. Page 16, line 26.
Following: "a"
Strike: "liquor"

50. Page 17, line 11.
Following: "is"
Strike: "hereby"

51. Page 17, line 12.
Strike: "person, persons, partnership, firm, corporation, or association"
Insert: "individual or entity"

52. Page 17, line 13.
Strike: "person, persons, partnership, firm, corporation, or association"
Insert: "individual or entity"

53. Page 17, line 13.
Following: "maintaining"
Insert: ", operating, or leasing"

54. Page 17, line 14 through line 16.
Strike: ", for" on line 14 through "revenue" on line 16
Insert: "in which alcoholic beverages are kept for consumption by members of the public or for the purpose of providing a place for consuming alcoholic beverages by members of the public for a fee or other consideration"

55. Page 17, line 16.
Following: .
Insert: "For the purposes of this subsection, "consideration" includes but is not limited to a cover charge, the sale of food, ice, mixers, or any other fluids for alcoholic beverages, the furnishing of glassware or other containers for use in the consumption of alcoholic beverages, or the expectation of a purchase of a good or service.
(2) Nothing in this section prevents the service or consumption of alcoholic beverages at private gatherings. For the purposes of this subsection, "private gathering" means an event hosted by an individual that is not open to the general public and in which no fee or consideration is charged. The term does not include an event catered by a licensed retailer."

56. Page 17, line 17.
Following: "(2)"
Insert: "(3)"
Following: "retailer"
Insert: "or concessionaire"

57. Page 17, line 21.
Strike: "(3)"
Insert: "(4)"

58. Page 17, line 21.

Following: "$500"
Strike: "FOR VIOLATIONS"
Insert: "against individuals or entities serving alcoholic beverages or allowing consumption of alcoholic beverages in violation"
Following: "(1)"
Insert: "without a license or special permit"

59. Page 17, line 21 through line 22.
Strike: the second "THE" on line 21 through "ENTITIES." on line 22

60. Page 20.
Following: line 6
Insert: "NEW SECTION. **Section 11. Coordination instruction.** If both House Bill No. 525 and [this act] are passed and approved and if House Bill No. 525 contains a section that amends 16-4-418, then the final sentence in [section 4(7) of this act], amending 16-4-213, must be amended as follows: "~~The~~ Except for 16-4-418(1), the provisions of 16-4-418 apply.""
Renumber: subsequent sections

61. Page 20, line 12.
Strike: "**date**"
Insert: "**dates**"

62. Page 20, line 12.
Following: "**date.**"
Insert: "(1)"
Strike: "[This act] is"
Insert: "Except as provided in subsection (2), [this act] is"

63. Page 20.
Following: line 12
Insert: "(2) [Sections 3(6), 3(7), 4(5), and 4(8)] are effective July 1, 2021."

And, as amended, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 4/15/2021
HB 46, be concurred in.
HB 92, be concurred in.
HB 115, be concurred in.
HB 277, be concurred in.
HB 497, be concurred in.
HB 553, be concurred in.
HB 578, be concurred in.

Without objection, committee reports were adopted.

Senate recessed at 3:50 p.m. and reconvened at 4:12 p.m., Senator Blasdel presiding.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 206 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 273 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 358 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 444 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 447 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 42

Nays: Cohenour, Ellis, Gross, Morigeau, O'Brien, Pomnichowski, Sands, Webber.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 472 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 481 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 504 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 506 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 537 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 559 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 669 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hoven, Howard, Kary, Keenan, Lang, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hinebauch, Jacobson, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 475 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 229 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr.

President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 428 failed (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 380 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 520 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 341 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 429 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 5 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 430 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 251, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 199, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn,

Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 174, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 327, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Ellis, Pomnichowski.

Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 6, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 11, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 201, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 294, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 328, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Ellis, Fox, Gross, Pomnichowski.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 358, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: McClafferty, Pomnichowski.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 630 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski,

Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 41

Nays: Glimm, Hinebauch, Howard, Keenan, Manzella, McGillvray, Molnar, Regier K, Smith C.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 632 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, McNally, Morigeau, Osmundson, Pomnichowski, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Boland, Cohenour, Flowers, Friedel, Glimm, Hinebauch, Howard, Keenan, Manzella, McClafferty, McGillvray, Molnar, O'Brien, Pope, Regier K, Smith C, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 16 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 576 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn, subject to the call of the chair, or until 1:00 p.m., Friday, April 16, 2021, the seventh-third legislative day. Motion carried.

Senate adjourned at 4:32 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SEVENTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 20, 2021 — State Capitol

Senate convened at 1:00 p.m. President Pro Tempore Ellsworth presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Brown excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/20/2021

Correctly engrossed: **SJ 28**, **HB 267**, **HB 637**, **HB 648**, **HB 651**, **HB 681**, **HB 705**.
Correctly enrolled: **SB 47**, **SB 106**, **SB 163**, **SB 257**, **SB 270**, **SB 280**, **SB 309**, **SJ 5**.
Examined by the sponsor and found to be correct: **SB 47**, **SB 63**, **SB 83**, **SB 99**, **SB 106**, **SB 121**, **SB 136**, **SB 157**, **SB 163**, **SB 166**, **SB 167**, **SB 190**, **SB 206**, **SB 223**, **SB 234**, **SB 238**, **SB 239**, **SB 258**, **SB 261**, **SB 265**, **SB 266**, **SB 270**, **SB 280**, **SB 283**, **SB 286**, **SB 302**, **SB 307**, **SB 309**, **SB 345**, **SB 348**, **SB 351**, **SB 364**, **SJ 5**, **SJ 19**, **SJ 21**, **SR 74**, **SR 88**, **SR 95**, **SR 97**.
Transmitted to the House: **HB 206**, **HB 229**, **HB 273**, **HB 341**, **HB 358**, **HB 380**, **HB 429**, **HB 430**, **HB 444**, **HB 447**, **HB 472**, **HB 475**, **HB 481**, **HB 504**, **HB 506**, **HB 520**, **HB 537**, **HB 559**, **HB 576**, **HB 630**, **HB 632**, **HB 669**, **HJ 5**, **HJ 16**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Lang, Chair): 4/15/2021
HB 660, be concurred in.
HB 681, be amended as follows:

1. Title, line 5.
Following: "BENEFIT"
Insert: "CERTAIN"

2. Page 2, line 13.
Following: "(8)"
Insert: "for an authority with a truck/train transloading facility,"

3. Page 3, line 16.
Following: "authorities"
Insert: "with a truck/train transloading facility"

4. Page 3.
Following: line 21

Insert: "COORDINATION SECTION. **Section 6. Coordination instruction**. The appropriation in [section 4] to the department of agriculture to distribute grants to port authorities with a truck/train transloading facility to enhance the transportation of agricultural products to and from the state pursuant to [this act] is void if:
(1) (a) both House Bill No. 632 and [this act] are passed and approved; and
(b) an appropriation pursuant to [section 12 of House Bill No. 632] is authorized to include grants pursuant to [this act]; or
(2) an appropriation by the legislature from federal funds received pursuant to an act of Congress before July 1, 2023, is authorized to include grants pursuant to [this act]."
Renumber: subsequent section

And, as amended, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/15/2021
HB 606, be concurred in.

FISH AND GAME (Hinebauch, Chair): 4/15/2021
SR 93, be adopted.
SR 99, be adopted.
HB 367, be concurred in.
HB 637, be amended as follows:

1. Page 4, line 14.
Strike: "$25,000"
Insert: "$17,500"

And, as amended, be concurred in.

HB 647, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 4/15/2021
HB 247, be concurred in.
HB 267, be amended as follows:

1. Title, line 7.
Following: "RIGHT;"
Strike: "REQUIRING CERTAIN SIGNAGE;"

2. Title, line 11 through line 13.
Following: "STREET;" on line 11
Strike: "~~REQUIRING~~" on line 11 through "SHERIFF;" on line 13

3. Page 3, line 5.
Following: "must"
Strike: ":"

4. Page 3, line 6.
Strike: "(a)"

5. Page 3, line 7 through line 9.
Following: "height" on line 7
Strike: "; and" on line 7 through "(9)(b)" on line 9

6. Page 4, line 13.
Strike: "72"
Insert: "54"

7. Page 5, line 4.
Following: "~~and~~"
Insert: "and"

8. Page 5, line 5 through line 7.
Strike: "; and" on line 5 through "violation" on line 7

And, as amended, be concurred in.

HB 464, be concurred in.

JUDICIARY (Regier, Chair): 4/20/2021
SJ 26, do pass.

LOCAL GOVERNMENT (Gauthier, Chair): 4/16/2021
HB 694, be amended as follows:

1. Title, line 12 through line 13.
Strike: "INCLUDING" on line 12 through "MISCONDUCT;" on line 13

2. Title, line 14.
Following: "FEES;"
Insert: "CREATING THE OFFENSE OF DERELICTION AND PROVIDING PENALTIES;"

3. Title, line 15.
Strike: "SECTIONS 45-7-401 AND"
Insert: "SECTION"

4. Title, line 16.
Following: line 15
Insert: "AN APPLICABILITY DATE AND"

5. Page 1, line 24.

Strike: "residing within the boundaries of"
Insert: "that are served by"

6. Page 2, line 3.
Strike: "or"
Insert: "and"

7. Page 2, line 5.
Following: line 4
Strike: "those"
Following: "claims"
Insert: "received pursuant to subsection (2)"

8. Page 2, line 9.
Following: "center"
Insert: "or the department"

9. Page 2, line 10.
Strike: "department"
Insert: "board of the local government entity"

10. Page 2, line 11 through line 13.
Following: "center." on line 11
Strike: remainder of line 11 through line 13 in their entirety

11. Page 2, line 14.
Following: "center"
Insert: "and the department"

12. Page 2, line 17.
Following: "section"
Insert: ", the following definitions apply"

13. Page 2, line 19 through line 20.
Strike: "2-7-501(7)" on line 19 through line 20
Insert: "subsection (6)"

14. Page 2, line 20.
Following: "(b)(ii)"
Insert: "of this section"

15. Page 2.
Following: line 22
Insert: "NEW SECTION. **Section 2. Dereliction -- removal from office.** (1) A member of the board of a local government entity, as defined in [section 1(6)], commits the offense of dereliction if the member purposefully or knowingly fails to convene regular meetings in compliance with any

adopted bylaw or statutory requirement if the failure is regular, repeated, and negatively impacts the:

(a) opportunity for meaningful public participation; or

(b) operation or function of the local government entity.

(2) The district court has exclusive jurisdiction in prosecutions under this section. An action for dereliction must be commenced by an information filed after leave to file has been granted by the district court or after a grand jury indictment has been found.

(3) A member convicted of the offense of dereliction must be removed from office.

(4) This section does not affect any power conferred by law to impeach or remove any public servant or any proceeding authorized by law to carry into effect an impeachment or removal. "

16. Page 2, line 24 through page 3, line 22.
Strike: section 2 in its entirety
Renumber: subsequent sections

17. Page 4, line 13.
Following: "**instruction.**"
Insert: "(1)"

18. Page 4.
Following: line 14
Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 45, chapter 7, part 4, and the provisions of Title 45, chapter 7, part 4, apply to [section 2]."

19. Page 4.
Following: line 15
Insert: "NEW SECTION. **Section 5. Applicability**. [Section 2] applies to actions taken on or after [the effective date of this act]."
Renumber: subsequent section

And, as amended, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 4/16/2021
SJ 28, introduced joint resolution, be amended as follows:

1. Page 2, line 21.
Following: "Parks,"
Insert: "the Confederated Salish and Kootenai Tribes, the National Park Service or Glacier National Park, the cities and towns in the Flathead River basin,"

And, as amended, do pass.

HB 648, be amended as follows:

1. Page 2.

Following: line 25
Insert: "NEW SECTION. **Section 3. Cost benefit analysis required.** (1) The department shall establish guidelines to compare costs and benefits of continued disposal of coal combustion residues at electrical generation facilities versus economical ways to reuse coal combustion residues.

(2) The guidelines must include requirements for promptly determining when a cost-benefit analysis under this section is appropriate and necessary.

(3) Proposals for analysis under this section must be consistent with the size and scope of the waste disposal options under consideration or at least demonstrate significant quantifiable environmental impacts, economic impacts, or both and meet other beneficial use requirements.

(4) An analysis under this section that favors a beneficial use must be transmitted to the governor. The governor may:

(a) approve the document and order the prompt execution of the proposal;

(b) return the document to the department for suggested revisions and resubmission to the governor; or

(c) deny the proposal."
Renumber: subsequent sections

2. Page 3, line 4.
Following: "**instruction.**"
Insert: "(1)"

3. Page 3.
Following: line 5
Insert: "(2) [Section 3] is intended to be codified as an integral part of Title 75, chapter 10, part 2, and the provisions of Title 75, chapter 10, part 2, apply to [section 3]."

And, as amended, be concurred in.

STATE ADMINISTRATION (Kary, Chair): 4/19/2021
HB 651, be amended as follows:

1. Title, line 6 through line 8.
Strike: "REQUIRING" on line 6 through "STATED" on line 8
Insert: "DEFINING APPROPRIATION FOR THE PURPOSES OF A BALLOT INITIATIVE"

2. Title, line 13.
Following: "GATHERING;"
Insert: "REQUIRING THE ATTORNEY GENERAL TO REVIEW BALLOT INITIATIVES FOR REGULATORY TAKINGS AND DETERMINATIONS TO BE PLACED ON THE PETITION PRIOR TO SIGNATURE GATHERING;"

3. Page 1, line 22 through line 23.
Following: "(2)" on line 22
Strike: remainder of line 22 through line 23 in their entirety

Insert: "For the purposes of this section, “appropriation” includes, but is not limited to, the act of designating or setting aside budgetary authority, or directly or indirectly incurring a financial obligation with the expectation that a certain amount of money will be expended or directed for a specific use or purpose. The term also includes increasing or expanding eligibility to a government program."

4. Page 4, line 12.
Following: the first "OF"
Insert: "not more than"

5. Page 5, line 18.
Following: "meet"
Insert: "and hold a public hearing"

6. Page 6, line 15.
Following: "following"
Insert: ", including the language provided for in subsection (2)(b),"

7. Page 7.
Following: line 12
Insert: "(2) (a) If the attorney general determines the proposed ballot issue will likely cause significant material harm to one or more business interests in Montana pursuant to 13-27-312(9), the statement in subsection (2)(b) must appear on the front page of the petition form before the information set forth in subsection (1).
(b)

WARNING

The Attorney General of Montana has determined the proposed ballot issue will likely cause significant material harm to one or more business interests in Montana."
Renumber: subsequent subsections

8. Page 8, line 26.
Following: "electors"
Insert: ", the substantive legality of the proposed issue if approved by the voters, and whether the proposed issue constitutes an appropriation as set forth in [section 1]"

9. Page 8, line 26 through line 27.
Strike: "Review" on line 26 through "voters." on line 27

10. Page 9.
Following: line 1
Insert: "(9) (a) The attorney general shall review the proposed ballot issue as to whether the proposed issue could cause a regulatory taking under Montana law or otherwise will likely cause significant material harm to one or more business interests in Montana if approved by the voters.
(b) If the attorney general determines the proposed ballot issue will likely cause significant material harm to one or more business interests in Montana, the attorney general shall notify

the secretary of state, which must include the finding set forth in 13-27-204(2) on the final form of the petition."
Renumber: subsequent subsections

And, as amended, be concurred in.

TAXATION (Hoven, Chair): 4/15/2021
HB 629, be amended as follows:

1. Title, line 10.
Following: "PROVIDING"
Strike: "AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE"
Insert: "EFFECTIVE DATES, APPLICABILITY DATES, AND TERMINATION DATES"

2. Page 2.
Following: line 17
Insert: "(8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the following tax year and round the product to the nearest $10. The resulting minimum yearly wage is effective for that following tax year and must be used in calculating the minimum yearly wage."
Renumber: subsequent subsections

3. Page 2, line 26.
Strike: "2021"
Insert: "2022"
Strike: "2027"
Insert: "2028"

4. Page 3.
Following: line 1
Insert: "(e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021."
Renumber: subsequent subsections

5. Page 3, line 3.
Strike: "2021"
Insert: "2022"

6. Page 3, line 4.
Strike: "2027"
Insert: "2028"

7. Page 3, line 5.

Strike: "2020"
Insert: "2021"

8. Page 3, line 10.
Strike: "(9)(H)(I)(B)"
Insert: "(10)(i)(i)(B)"

9. Page 3, line 22.
Strike: "2021"
Insert: "2022"

10. Page 3, line 23.
Strike: "2027"
Insert: "2028"

11. Page 5.
Following: line 19
Insert: "NEW SECTION. **Section 4. Employer job growth incentive tax credit -- administration.** (1) An employer that hires qualifying new employees is eligible for an annual job growth incentive tax credit against income taxes imposed pursuant to Title 15, chapter 30 or 31.
(2) The amount and duration of the credit is administered by the department of revenue as provided in [sections 5 and 6].
(3) A qualifying employer seeking approval to claim a credit shall apply for a credit certificate with the department for the preceding calendar year. The application must be submitted on a form prescribed by the department on which the employer:
(a) identifies and describes the number of qualifying new employees hired;
(b) provides necessary details to calculate the net employee growth and qualifying net employee growth;
(c) provides documentation necessary to calculate the job growth incentive tax credit, including but not limited to the average yearly wage of each qualifying new employee; and
(d) submits any other information the department considers necessary for auditing purposes and to determine whether the employer qualifies for a credit certificate.
(4) After receiving an application, the department shall:
(a) provide the employer with a credit certificate, which must accompany the employer's tax return that is filed with the department of revenue; or
(b) deny an application for a credit certificate and provide the employer with the reasoning for the denial. Prior to issuing a denial, the department shall provide the employer with an opportunity to resolve deficiencies in the application.
(5) The department shall provide to the department of revenue a list of the qualifying employers approved for a credit certificate, the qualifying new employees employed by the qualifying employer, and the aggregate total of net employee growth and qualified net employee growth for qualified employers claiming the credit. The list must include the federal tax identification number of the qualifying employer and the name and social security number or federal tax identification number of the qualifying new employees

that were utilized during the issuance of a credit certificate.
(6) The identity and social security number or federal tax identification number of individuals employed by the employer are subject to the provisions of 15-30-2618 and 15-31-511.
(7) The department may audit an employer applying for a credit certificate or who has obtained a credit certificate.
(8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the following tax year and round the product to the nearest $10. The resulting minimum yearly wage is effective for that following tax year and must be used in calculating the minimum yearly wage.
(9) The department may adopt rules necessary to administer this section.
(10) For the purposes of this section, the following definitions apply:
(a) "Business transfer" means any change in ownership or transfer of all or a material portion of the business to another entity or individual by entity merger, combination, reorganization, asset acquisition, transfer, or other similar business transaction in which an existing business is continued under new ownership or a different entity.
(b) "Credit certificate" means a statement issued by the department to a qualifying employer that provides the number of qualifying new employees hired or retained by the qualifying employer starting with calendar year 2022 and ending in calendar year 2028.
(c) "Department" means the department of labor and industry provided for in 2-15-1701.
(d) "Employer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by Title 15, chapters 30 and 31.
(e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021.
(f) "Net employee growth" means the difference between the total number of qualifying new employees employed by the employer in the state during any calendar year starting with calendar year 2022 and ending in calendar year 2028 and the total number of full-time equivalent employees that were employed by the employer or predecessor in the state during calendar year 2021.
(g) "Predecessor" means any entity or individual that operated a business prior to a business transfer to the employer.
(h) "Qualifying employer" means an employer with qualifying net employee growth.
(i) (i) "Qualifying net employee growth" means:
(A) unless subsection (10)(i)(i)(B) applies, net employee growth equal to at least 10 qualifying new employees during the first year the credit is claimed and at least 15 total qualifying new employees during any subsequent calendar year;
(B) for a county with a population of 20,000 or less, net employee growth equal to at least 5 qualifying new employees during the first year the credit is claimed and at least 7 total qualifying new employees during any subsequent calendar year.
(ii) In order to qualify, the net employee growth must be associated with a project in the state that encourages, promotes, and stimulates economic development in the sectors of construction, natural resources, mining, agriculture, forestry, manufacturing, transportation, utilities, or outdoor recreation.
(j) (i) "Qualifying new employee" means an employee of a qualifying employer:
(A) who is hired in any calendar year starting with calendar year 2022 and ending in calendar year 2028;

(B) who is employed for at least 6 months during the year for which the credit is granted; and
(C) with a yearly wage of at least $50,000, plus any benefits paid to other employees of the employer.
(ii) The term does not include an employee:
(A) previously employed by the employer or a predecessor in the preceding 12 months; or
(B) hired to replace an employee of a predecessor."
Insert: "NEW SECTION. **Section 5. Grow Montana jobs -- annual job growth incentive tax credit.** (1) Subject to the provisions of [section 4], a taxpayer is allowed an annual job growth incentive tax credit against the tax imposed by chapter 31 or this chapter for creating qualifying net employee growth in the state.
(2) The amount of the credit is equal to the number of qualifying new employees in the credit certificate multiplied by 50% of the taxpayer's total estimated taxes imposed on the taxpayer each year for the Montana source wages paid to qualifying new employees under the Federal Insurance Contributions Act, 26 U.S.C. 3111(a) and (b).
(3) The credit allowed by this section may not be refunded if the taxpayer has a tax liability less than the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by this section for the tax year exceeds the taxpayer's tax liability for the current tax year, the excess attributable to the current tax year's credit is a credit carryover to succeeding tax years for a period not to exceed 10 years from the tax year the credit was claimed. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first. Any credit remaining 10 years after the tax year for which the credit is based may not be refunded or credited to the taxpayer.
(4) The credit may be claimed for up to 7 years, but only in a tax year in which the department of labor and industry approved the credit by issuing the taxpayer with a credit certificate as provided in [section 4]. If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer's return will be processed without regard to the credit.
(5) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer's fiscal period.
(6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.
(7) The department shall provide the department of labor and industry with an annual report detailing the tax credit provided to taxpayers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.
(8) A taxpayer claiming this credit may not claim the apprenticeship tax credit pursuant to sections 15-30-2357, 15-31-173, and 39-6-109 in the same tax year that this credit is claimed. This subsection does not prevent a credit carryover from this credit from being used in a tax year in which the apprenticeship tax credit is claimed.
(9) Each biennium, the department shall provide to the revenue interim committee information regarding all approvals granted and credit certificates issued, including the credits claimed, the names of the qualifying employers of the credits, and the amount of tax credits claimed. This information is not subject to the confidentiality requirements of 15-

30-2618 or 15-31-511.

(10) For the purposes of this section, the terms "credit certificate", "qualifying employer", "qualifying net employee growth", and "qualifying new employee" have the same meaning as those terms are defined in [section 4]."

Insert: "NEW SECTION. **Section 6. Grow Montana jobs -- annual job growth incentive tax credit.** (1) There is an annual job growth incentive tax credit against the taxes otherwise due under 15-31-121 or 15-31-122 that is allowable in the amount established pursuant to [section 5] when a taxpayer hires qualifying new employees in the state. The credit is administered as provided in [sections 4 and 5] and this section.

(2) If the credit allowed under this section is claimed by a small business corporation as defined in 15-30-3301 or a partnership, the credit must be attributed to shareholders or partners using the same proportion to report the corporation's or partnership's income or loss for Montana income tax purposes."

Insert: "NEW SECTION. **Section 7. Employer job growth incentive tax credit -- administration.** (1) An employer that hires qualifying new employees is eligible for an annual job growth incentive tax credit against income taxes imposed pursuant to Title 15, chapter 30 or 31.

(2) The amount and duration of the credit is administered by the department of revenue as provided in [sections 8 and 9].

(3) A qualifying employer seeking approval to claim a credit shall apply for a credit certificate with the department for the preceding calendar year. The application must be submitted on a form prescribed by the department on which the employer:

(a) identifies and describes the number of qualifying new employees hired;

(b) provides necessary details to calculate the net employee growth and qualifying net employee growth;

(c) provides documentation necessary to calculate the job growth incentive tax credit, including but not limited to the average yearly wage of each qualifying new employee; and

(d) submits any other information the department considers necessary for auditing purposes and to determine whether the employer qualifies for a credit certificate.

(4) After receiving an application, the department shall:

(a) provide the employer with a credit certificate, which must accompany the employer's tax return that is filed with the department of revenue; or

(b) deny an application for a credit certificate and provide the employer with the reasoning for the denial. Prior to issuing a denial, the department shall provide the employer with an opportunity to resolve deficiencies in the application.

(5) The department shall provide to the department of revenue a list of the qualifying employers approved for a credit certificate, the qualifying new employees employed by the qualifying employer, and the aggregate total of net employee growth and qualified net employee growth for qualified employers claiming the credit. The list must include the federal tax identification number of the qualifying employer and the name and social security number or federal tax identification number of the qualifying new employees that were utilized during the issuance of a credit certificate.

(6) The identity and social security number or federal tax identification number of individuals employed by the employer are subject to the provisions of 15-30-2618 and 15-31-511.

(7) The department may audit an employer applying for a credit certificate or who has obtained

a credit certificate.

(8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the following tax year and round the product to the nearest $10. The resulting minimum yearly wage is effective for that following tax year and must be used in calculating the minimum yearly wage.

(9) The department may adopt rules necessary to administer this section.

(10) For the purposes of this section, the following definitions apply:

(a) "Business transfer" means any change in ownership or transfer of all or a material portion of the business to another entity or individual by entity merger, combination, reorganization, asset acquisition, transfer, or other similar business transaction in which an existing business is continued under new ownership or a different entity.

(b) "Credit certificate" means a statement issued by the department to a qualifying employer that provides the number of qualifying new employees hired or retained by the qualifying employer starting with calendar year 2022 and ending in calendar year 2028.

(c) "Department" means the department of labor and industry provided for in 2-15-1701.

(d) "Employer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by Title 15, chapters 30 and 31.

(e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021.

(f) "Net employee growth" means the difference between the total number of qualifying new employees employed by the employer in the state during any calendar year starting with calendar year 2022 and ending in calendar year 2028 and the total number of full-time equivalent employees that were employed by the employer or predecessor in the state during calendar year 2021.

(g) "Predecessor" means any entity or individual that operated a business prior to a business transfer to the employer.

(h) "Qualifying employer" means an employer with qualifying net employee growth.

(i) (i) "Qualifying net employee growth" means:

(A) unless subsection (10)(i)(i)(B) applies, net employee growth equal to at least 10 qualifying new employees during the first year the credit is claimed and at least 15 total qualifying new employees during any subsequent calendar year;

(B) for a county with a population of 20,000 or less, net employee growth equal to at least 5 qualifying new employees during the first year the credit is claimed and at least 7 total qualifying new employees during any subsequent calendar year.

(ii) In order to qualify, the net employee growth must be associated with a project in the state that encourages, promotes, and stimulates economic development in the sectors of construction, natural resources, mining, agriculture, forestry, manufacturing, transportation, utilities, or outdoor recreation.

(j) (i) "Qualifying new employee" means an employee of a qualifying employer:

(A) who is hired in any calendar year starting with calendar year 2022 and ending in calendar year 2028;

(B) who is employed for at least 6 months during the year for which the credit is granted; and

(C) with a yearly wage of at least $50,000, plus any benefits paid to other employees of the employer.

(ii) The term does not include an employee:

(A) previously employed by the employer or a predecessor in the preceding 12 months; or
(B) hired to replace an employee of a predecessor."

Insert: "NEW SECTION. **Section 8. Grow Montana jobs -- annual job growth incentive tax credit.** (1) Subject to the provisions of [section 7], a taxpayer is allowed an annual job growth incentive tax credit against the tax imposed by chapter 31 or this chapter for creating qualifying net employee growth in the state.

(2) The amount of the credit is equal to the number of qualifying new employees in the credit certificate multiplied by 50% of the taxpayer's total estimated taxes imposed on the taxpayer each year for the Montana source wages paid to qualifying new employees under the Federal Insurance Contributions Act, 26 U.S.C. 3111(a) and (b).

(3) The credit allowed by this section may not be refunded if the taxpayer has a tax liability less than the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by this section for the tax year exceeds the taxpayer's tax liability for the current tax year, the excess attributable to the current tax year's credit is a credit carryover to succeeding tax years for a period not to exceed 10 years from the tax year the credit was claimed. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first. Any credit remaining 10 years after the tax year for which the credit is based may not be refunded or credited to the taxpayer.

(4) The credit may be claimed for up to 7 years, but only in a tax year in which the department of labor and industry approved the credit by issuing the taxpayer with a credit certificate as provided in [section 7]. If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer's return will be processed without regard to the credit.

(5) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer's fiscal period.

(6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.

(7) The department shall provide the department of labor and industry with an annual report detailing the tax credit provided to taxpayers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.

(8) A taxpayer claiming this credit may not claim the apprenticeship tax credit pursuant to sections 15-30-2357, 15-31-173, and 39-6-109 in the same tax year that this credit is claimed. This subsection does not prevent a credit carryover from this credit from being used in a tax year in which the apprenticeship tax credit is claimed.

(9) Each biennium, the department shall provide to the revenue interim committee information regarding all approvals granted and credit certificates issued, including the credits claimed, the names of the qualifying employers of the credits, and the amount of tax credits claimed. This information is not subject to the confidentiality requirements of 15-30-2618 or 15-31-511.

(10) For the purposes of this section, the terms "credit certificate", "qualifying employer", "qualifying net employee growth", and "qualifying new employee" have the same meaning as those terms are defined in [section 7]."

Insert: "NEW SECTION. **Section 9. Grow Montana jobs -- annual job growth incentive tax credit.** (1) There is an annual job growth incentive tax credit against the taxes otherwise due under 15-31-121 or 15-31-122 that is allowable in the amount established pursuant to [section 8] when a taxpayer hires qualifying new employees in the state. The credit is administered as provided in [sections 7 and 8] and this section.

(2) If the credit allowed under this section is claimed by a small business corporation as defined in 15-30-3301 or a partnership, the credit must be attributed to shareholders or partners using the same proportion to report the corporation's or partnership's income or loss for Montana income tax purposes."

Insert: "NEW SECTION. **Section 10. Employer job growth incentive tax credit -- administration.** (1) An employer that hires qualifying new employees is eligible for an annual job growth incentive tax credit against income taxes imposed pursuant to Title 15, chapter 30 or 31.

(2) The amount and duration of the credit is administered by the department of revenue as provided in [sections 11 and 12].

(3) A qualifying employer seeking approval to claim a credit shall apply for a credit certificate with the department for the preceding calendar year. The application must be submitted on a form prescribed by the department on which the employer:

(a) identifies and describes the number of qualifying new employees hired;

(b) provides necessary details to calculate the net employee growth and qualifying net employee growth;

(c) provides documentation necessary to calculate the job growth incentive tax credit, including but not limited to the average yearly wage of each qualifying new employee; and

(d) submits any other information the department considers necessary for auditing purposes and to determine whether the employer qualifies for a credit certificate.

(4) After receiving an application, the department shall:

(a) provide the employer with a credit certificate, which must accompany the employer's tax return that is filed with the department of revenue; or

(b) deny an application for a credit certificate and provide the employer with the reasoning for the denial. Prior to issuing a denial, the department shall provide the employer with an opportunity to resolve deficiencies in the application.

(5) The department shall provide to the department of revenue a list of the qualifying employers approved for a credit certificate, the qualifying new employees employed by the qualifying employer, and the aggregate total of net employee growth and qualified net employee growth for qualified employers claiming the credit. The list must include the federal tax identification number of the qualifying employer and the name and social security number or federal tax identification number of the qualifying new employees that were utilized during the issuance of a credit certificate.

(6) The identity and social security number or federal tax identification number of individuals employed by the employer are subject to the provisions of 15-30-2618 and 15-31-511.

(7) The department may audit an employer applying for a credit certificate or who has obtained a credit certificate.

(8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the following tax year and round the product to the nearest $10. The resulting minimum yearly wage is effective for that

following tax year and must be used in calculating the minimum yearly wage.
(9) The department may adopt rules necessary to administer this section.
(10) For the purposes of this section, the following definitions apply:
(a) "Business transfer" means any change in ownership or transfer of all or a material portion of the business to another entity or individual by entity merger, combination, reorganization, asset acquisition, transfer, or other similar business transaction in which an existing business is continued under new ownership or a different entity.
(b) "Credit certificate" means a statement issued by the department to a qualifying employer that provides the number of qualifying new employees hired or retained by the qualifying employer starting with calendar year 2022 and ending in calendar year 2028.
(c) "Department" means the department of labor and industry provided for in 2-15-1701.
(d) "Employer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by Title 15, chapters 30 and 31.
(e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021.
(f) "Net employee growth" means the difference between the total number of qualifying new employees employed by the employer in the state during any calendar year starting with calendar year 2022 and ending in calendar year 2028 and the total number of full-time equivalent employees that were employed by the employer or predecessor in the state during calendar year 2021.
(g) "Predecessor" means any entity or individual that operated a business prior to a business transfer to the employer.
(h) "Qualifying employer" means an employer with qualifying net employee growth.
(i) (i) "Qualifying net employee growth" means:
(A) unless subsection (10)(i)(i)(B) applies, net employee growth equal to at least 10 qualifying new employees during the first year the credit is claimed and at least 15 total qualifying new employees during any subsequent calendar year;
(B) for a county with a population of 20,000 or less, net employee growth equal to at least 5 qualifying new employees during the first year the credit is claimed and at least 7 total qualifying new employees during any subsequent calendar year.
(ii) In order to qualify, the net employee growth must be associated with a project in the state that encourages, promotes, and stimulates economic development in the sectors of construction, natural resources, mining, agriculture, forestry, manufacturing, transportation, utilities, or outdoor recreation.
(j) (i) "Qualifying new employee" means an employee of a qualifying employer:
(A) who is hired in any calendar year starting with calendar year 2022 and ending in calendar year 2028;
(B) who is employed for at least 6 months during the year for which the credit is granted; and
(C) with a yearly wage of at least $50,000, plus any benefits paid to other employees of the employer.
(ii) The term does not include an employee:
(A) previously employed by the employer or a predecessor in the preceding 12 months; or
(B) hired to replace an employee of a predecessor."
Insert: "NEW SECTION. **Section 11. Grow Montana jobs -- annual job growth incentive tax**

credit. (1) Subject to the provisions of [section 10], a taxpayer is allowed an annual job growth incentive tax credit against the tax imposed by chapter 31 or this chapter for creating qualifying net employee growth in the state.

(2) The amount of the credit is equal to the number of qualifying new employees in the credit certificate multiplied by 50% of the taxpayer's total estimated taxes imposed on the taxpayer each year for the Montana source wages paid to qualifying new employees under the Federal Insurance Contributions Act, 26 U.S.C. 3111(a) and (b).

(3) The credit allowed by this section may not be refunded if the taxpayer has a tax liability less than the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by this section for the tax year exceeds the taxpayer's tax liability for the current tax year, the excess attributable to the current tax year's credit is a credit carryover to succeeding tax years for a period not to exceed 10 years from the tax year the credit was claimed. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first. Any credit remaining 10 years after the tax year for which the credit is based may not be refunded or credited to the taxpayer.

(4) The credit may be claimed for up to 7 years, but only in a tax year in which the department of labor and industry approved the credit by issuing the taxpayer with a credit certificate as provided in [section 10]. If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer's return will be processed without regard to the credit.

(5) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer's fiscal period.

(6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.

(7) The department shall provide the department of labor and industry with an annual report detailing the tax credit provided to taxpayers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.

(8) A taxpayer claiming this credit may not claim the apprenticeship tax credit pursuant to sections 15-30-2357, 15-31-173, and 39-6-109 in the same tax year that this credit is claimed. This subsection does not prevent a credit carryover from this credit from being used in a tax year in which the apprenticeship tax credit is claimed.

(9) Each biennium, the department shall provide to the revenue interim committee information regarding all approvals granted and credit certificates issued, including the credits claimed, the names of the qualifying employers of the credits, and the amount of tax credits claimed. This information is not subject to the confidentiality requirements of 15-30-2618 or 15-31-511.

(10) For the purposes of this section, the terms "credit certificate", "qualifying employer", "qualifying net employee growth", and "qualifying new employee" have the same meaning as those terms are defined in [section 10]."

Insert: "NEW SECTION. **Section 12. Grow Montana jobs -- annual job growth incentive tax credit.** (1) There is an annual job growth incentive tax credit against the taxes otherwise due under 15-31-121 or 15-31-122 that is allowable in the amount established pursuant

to [section 11] when a taxpayer hires qualifying new employees in the state. The credit is administered as provided in [sections 10 and 11] and this section.

(2) If the credit allowed under this section is claimed by a small business corporation as defined in 15-30-3301 or a partnership, the credit must be attributed to shareholders or partners using the same proportion to report the corporation's or partnership's income or loss for Montana income tax purposes."

Insert: "NEW SECTION. **Section 13. Employer job growth incentive tax credit -- administration.** (1) An employer that hires qualifying new employees is eligible for an annual job growth incentive tax credit against income taxes imposed pursuant to Title 15, chapter 30 or 31.

(2) The amount and duration of the credit is administered by the department of revenue as provided in [sections 14 and 15].

(3) A qualifying employer seeking approval to claim a credit shall apply for a credit certificate with the department for the preceding calendar year. The application must be submitted on a form prescribed by the department on which the employer:

(a) identifies and describes the number of qualifying new employees hired;

(b) provides necessary details to calculate the net employee growth and qualifying net employee growth;

(c) provides documentation necessary to calculate the job growth incentive tax credit, including but not limited to the average yearly wage of each qualifying new employee; and

(d) submits any other information the department considers necessary for auditing purposes and to determine whether the employer qualifies for a credit certificate.

(4) After receiving an application, the department shall:

(a) provide the employer with a credit certificate, which must accompany the employer's tax return that is filed with the department of revenue; or

(b) deny an application for a credit certificate and provide the employer with the reasoning for the denial. Prior to issuing a denial, the department shall provide the employer with an opportunity to resolve deficiencies in the application.

(5) The department shall provide to the department of revenue a list of the qualifying employers approved for a credit certificate, the qualifying new employees employed by the qualifying employer, and the aggregate total of net employee growth and qualified net employee growth for qualified employers claiming the credit. The list must include the federal tax identification number of the qualifying employer and the name and social security number or federal tax identification number of the qualifying new employees that were utilized during the issuance of a credit certificate.

(6) The identity and social security number or federal tax identification number of individuals employed by the employer are subject to the provisions of 15-30-2618 and 15-31-511.

(7) The department may audit an employer applying for a credit certificate or who has obtained a credit certificate.

(8) By November 1 of each year, the department shall multiply the minimum yearly wage in subsection (10)(j)(i)(C) by the inflation factor for the following tax year and round the product to the nearest $10. The resulting minimum yearly wage is effective for that following tax year and must be used in calculating the minimum yearly wage.

(9) The department may adopt rules necessary to administer this section.

(10) For the purposes of this section, the following definitions apply:

(a) "Business transfer" means any change in ownership or transfer of all or a material portion of the business to another entity or individual by entity merger, combination, reorganization, asset acquisition, transfer, or other similar business transaction in which an existing business is continued under new ownership or a different entity.
(b) "Credit certificate" means a statement issued by the department to a qualifying employer that provides the number of qualifying new employees hired or retained by the qualifying employer starting with calendar year 2022 and ending in calendar year 2028.
(c) "Department" means the department of labor and industry provided for in 2-15-1701.
(d) "Employer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by Title 15, chapters 30 and 31.
(e) "Inflation factor" means a number determined for each tax year by dividing the consumer price index as defined in 15-30-2101 for June of the previous tax year by the consumer price index for June 2021.
(f) "Net employee growth" means the difference between the total number of qualifying new employees employed by the employer in the state during any calendar year starting with calendar year 2022 and ending in calendar year 2028 and the total number of full-time equivalent employees that were employed by the employer or predecessor in the state during calendar year 2021.
(g) "Predecessor" means any entity or individual that operated a business prior to a business transfer to the employer.
(h) "Qualifying employer" means an employer with qualifying net employee growth.
(i) (i) "Qualifying net employee growth" means:
(A) unless subsection (10)(i)(i)(B) applies, net employee growth equal to at least 10 qualifying new employees during the first year the credit is claimed and at least 15 total qualifying new employees during any subsequent calendar year;
(B) for a county with a population of 20,000 or less, net employee growth equal to at least 5 qualifying new employees during the first year the credit is claimed and at least 7 total qualifying new employees during any subsequent calendar year.
(ii) In order to qualify, the net employee growth must be associated with a project in the state that encourages, promotes, and stimulates economic development in the sectors of construction, natural resources, mining, agriculture, forestry, manufacturing, transportation, utilities, or outdoor recreation.
(j) (i) "Qualifying new employee" means an employee of a qualifying employer:
(A) who is hired in any calendar year starting with calendar year 2022 and ending in calendar year 2028;
(B) who is employed for at least 6 months during the year for which the credit is granted; and
(C) with a yearly wage of at least $50,000, plus any benefits paid to other employees of the employer.
(ii) The term does not include an employee:
(A) previously employed by the employer or a predecessor in the preceding 12 months; or
(B) hired to replace an employee of a predecessor."
Insert: "NEW SECTION. **Section 14. Grow Montana jobs -- annual job growth incentive tax credit.** (1) Subject to the provisions of [section 13], a taxpayer is allowed an annual job growth incentive tax credit against the tax imposed by chapter 31 or this chapter for creating qualifying net employee growth in the state.

(2) The amount of the credit is equal to the number of qualifying new employees in the credit certificate multiplied by 50% of the taxpayer's total estimated taxes imposed on the taxpayer each year for the Montana source wages paid to qualifying new employees under the Federal Insurance Contributions Act, 26 U.S.C. 3111(a) and (b).

(3) The credit allowed by this section may not be refunded if the taxpayer has a tax liability less than the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by this section for the tax year exceeds the taxpayer's tax liability for the current tax year, the excess attributable to the current tax year's credit is a credit carryover to succeeding tax years for a period not to exceed 10 years from the tax year the credit was claimed. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first. Any credit remaining 10 years after the tax year for which the credit is based may not be refunded or credited to the taxpayer.

(4) The credit may be claimed for up to 7 years, but only in a tax year in which the department of labor and industry approved the credit by issuing the taxpayer with a credit certificate as provided in [section 10]. If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer's return will be processed without regard to the credit.

(5) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer's fiscal period.

(6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.

(7) The department shall provide the department of labor and industry with an annual report detailing the tax credit provided to taxpayers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.

(8) A taxpayer claiming this credit may not claim the apprenticeship tax credit pursuant to sections 15-30-2357, 15-31-173, and 39-6-109 in the same tax year that this credit is claimed. This subsection does not prevent a credit carryover from this credit from being used in a tax year in which the apprenticeship tax credit is claimed.

(9) Each biennium, the department shall provide to the revenue interim committee information regarding all approvals granted and credit certificates issued, including the credits claimed, the names of the qualifying employers of the credits, and the amount of tax credits claimed. This information is not subject to the confidentiality requirements of 15-30-2618 or 15-31-511.

(10) For the purposes of this section, the terms "credit certificate", "qualifying employer", "qualifying net employee growth", and "qualifying new employee" have the same meaning as those terms are defined in [section 13]."

Insert: "NEW SECTION. **Section 15. Grow Montana jobs -- annual job growth incentive tax credit.** (1) There is an annual job growth incentive tax credit against the taxes otherwise due under 15-31-121 or 15-31-122 that is allowable in the amount established pursuant to [section 14] when a taxpayer hires qualifying new employees in the state. The credit is administered as provided in [sections 13 and 14] and this section.

(2) If the credit allowed under this section is claimed by a small business corporation as defined

in 15-30-3301 or a partnership, the credit must be attributed to shareholders or partners using the same proportion to report the corporation's or partnership's income or loss for Montana income tax purposes."

Renumber: subsequent sections

12. Page 7, line 5.
Following: "[sections 2"
Insert: ","
Strike: "and"
Following: "3"
Insert: ", 5, 6, 8, 9, 11, 12, 14, and 15"

13. Page 8, line 3.
Strike: "section"
Insert: "sections"
Following: "2(8)"
Insert: ", 5(8), 8(8), 11(8), and 14(8)"

14. Page 9, line 21.
Strike: "section"
Insert: "sections"
Following: "2"
Insert: ", 5, 8, 11, and 14"

15. Page 11, line 7.
Strike: "section"
Insert: "sections"
Following: "1"
Insert: ", 4, 7, 10, and 13"

16. Page 11, line 8.
Following: "[sections 2"
Insert: ","
Strike: "and"
Following: "3"
Insert: ", 5, 6, 8, 9, 11, 12, 14, and 15"

17. Page 12, line 24.
Strike: "section"
Insert: "sections"
Following: "2"
Insert: ", 5, 8, 11, and 14"

18. Page 14, line 8.
Strike: "section"
Insert: "sections"
Following: "1"

Insert: ", 4, 7, 10, and 13"

19. Page 14, line 9.
Following: "sections 2"
Insert: ","
Strike: "and"
Following: "3"
Insert: ", 5, 6, 8, 9, 11, 12, 14, and 15"

20. Page 15, line 27.
Strike: "section"
Insert: "sections"
Following: "2"
Insert: ", 5, 8, 11, and 14"

21. Page 16, line 26.
Following: "through"
Strike: "3"
Insert: "15"

22. Page 17, line 14.
Strike: "Section"
Insert: "Sections"
Following: "1"
Insert: ", 4, 7, 10, and 13"
Strike: "is"
Insert: "are"

23. Page 17, line 15.
Strike: "section"
Insert: "sections"
Following: "1"
Insert: ", 4, 7, 10, and 13"

24. Page 17, line 16.
Strike: "Section"
Insert: "Sections"

25. Page 17, line 16.
Following: "2"
Insert: ", 5, 8, 11, and 14"
Strike: "is"
Insert: "are"

26. Page 17, line 17.
Strike: "section"

Insert: "sections"
Following: "2"
Insert: ", 5, 8, 11, and 14"

27. Page 17, line 18.
Strike: "Section"
Insert: "Sections"
Following: "3"
Insert: ", 6, 9, 12, and 15"
Strike: "is"
Insert: "are"

28. Page 17, line 19.
Strike: "section"
Insert: "sections"
Following: "3"
Insert: ", 6, 9, 12, and 15"

29. Page 17.
Following: line 20
Insert: "NEW SECTION. **Section 22.** {standard} **Severability**. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent sections

30. Page 17, line 21.
Strike: "**date**"
Insert: "**dates -- applicability**"

31. Page 17, line 21.
Following: "**date.**"
Insert: "(1)"
Strike: "[This act]"
Insert: "Except as provided in subsections (2) through (6), [this act]"

32. Page 17, line 21.
Strike: "on passage and approval"
Insert: "July 1, 2021"

33. Page 17.
Following: line 21
Insert: "(2) [Sections 1 through 3] are effective October 1, 2021, and apply to the income tax year beginning after December 31, 2021.
(3) [Sections 4 through 6] are effective October 1, 2022, and apply to the income tax year

beginning after December 31, 2022.
(4) [Sections 7 through 9] are effective October 1, 2023, and apply to the income tax year beginning after December 31, 2023.
(5) [Sections 10 through 12] are effective October 1, 2024, and apply to the income tax year beginning after December 31, 2024.
(6) [Sections 13 through 15] are effective October 1, 2025, and apply to income tax years beginning after December 31, 2025."

34. Page 17, line 23 through line 24.
Strike: section 11 in its entirety
Renumber: subsequent sections

35. Page 17, line 26.
Following: "**Termination.**"
Insert: "(1)"
Strike: "[This act]"
Insert: "Except as provided in subsections (2) through (6), [this act]"

36. Page 17, line 26.
Strike: "2027"
Insert: "2028"

37. Page 17.
Following: line 26
Insert: "(2) [Sections 1 through 3] terminate December 31, 2022.
(3) [Sections 4 through 6] terminate December 31, 2023.
(4) [Sections 7 through 9] terminate December 31, 2024.
(5) [Sections 10 through 12] terminate December 31, 2025.
(6) [Section 25] terminates January 1, 2025."
Insert: "NEW SECTION. **Section 25. Contingent termination -- legislative intent -- specific findings – report to legislative finance committee.** (1) The legislature intends to provide the tax relief provided by [this act] while also preventing the loss of federal funds that are available to the state as part of the recently enacted American Rescue Plan Act, Public Law 117-2. The contingent termination provisions in subsections (2) through (5) are limited to the duration of time established by each subsection and are necessary based on the lack of information available to the legislature from the federal government at the time of enactment of [this act].
(2) [Sections 1 through 3] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made in calendar year 2021.
(3) [Sections 4 through 6] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2022, and December 31, 2022.
(4) [Sections 7 through 9] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must

be made between October 1, 2023, and December 31, 2023.
(5) [Sections 10 through 12] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2024, and December 31, 2024.
(6) (a) The budget director shall continually evaluate whether implementation of a section of [this act] will:
(i) result in a reduction of funds from the American Rescue Plan Act; or
(ii) require the state to repay or refund to the federal government pursuant to the American Rescue Plan Act.
(b) The budget director shall consider guidance from:
(i) the federal government about the American Rescue Plan Act;
(ii) court decisions about the American Rescue Plan Act;
(iii) amendments to the American Rescue Plan Act;
(iv) any information provided by the attorney general; and
(v) other relevant information about the American Rescue Plan Act.
(c) If the budget director determines that the implementation of a section of [this act] may satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b), the budget director shall notify the legislative finance committee of the preliminary determination. The budget director's notification of the preliminary determination may occur after January 1 but no later than December 10 of each of the calendar years 2021, 2022, 2023, and 2024. Within 20 days of notification, the legislative finance committee shall provide the budget director with any recommendations concerning the preliminary determination. The budget director shall consider any recommendations of the legislative finance committee.
(7) If the budget director determines that the implementation of a section of [this act] would more likely than not satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b) and the recommendations of the legislative finance committee in subsection (6)(c), the budget director shall provide certification in writing to the legislative finance committee and the code commissioner of the occurrence of the relevant contingency provided for in subsections (2) through (5)."

And, as amended, be concurred in.

HB 661, be amended as follows:

Following: line 10
Strike: everything after the enacting clause
Insert: "**Section 1.** Section 15-36-303, MCA, is amended to read:
"**15-36-303. Definitions.** As used in this part, the following definitions apply:
(1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.
(2) "Department" means the department of revenue provided for in 2-15-1301.
(3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.
(4) "Existing enhanced recovery project" means an enhanced recovery project that

began development before January 1, 1994.

(5) "Expanded enhanced recovery project" or "expansion" means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.

(6) "Gross taxable value", for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.

(7) "Horizontal drain hole" means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.

(8) "Horizontally completed well" means:

(a) a well with one or more horizontal drain holes; or

(b) any other well classified by the board as a horizontally completed well.

(9) "Incremental production" means:

(a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:

(i) commencing the recompletion of a well as a horizontally completed well;

(ii) expanding the existing enhanced recovery project; or

(iii) commencing a new enhanced recovery project; or

(b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.

(10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.

(11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.

(12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.

(13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.

(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.

<u>(15) "Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than $30. If the price of oil is equal to or greater than $30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.</u>

<u>(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.</u>

<u>(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of</u>

producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

~~(15)~~(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.

(17) "Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces 10 barrels a day or less. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.

~~(16)~~(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.

~~(17)~~(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.

~~(18)~~(20) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).

~~(19)~~(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.

(b) Qualifying production does not include oil production from a horizontally recompleted well.

~~(20)~~(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:

(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.

(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:

(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or

(ii) any other method approved by the board as a secondary recovery method.

~~(21)~~(23) "Stripper natural gas" means the natural gas produced from any well that

produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.

~~(22) (a) "Stripper oil" means the oil produced from any well that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than $30. If the price of oil is equal to or greater than $30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.~~

~~(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

~~(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.~~

~~(23)~~(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection ~~(22)(c)~~ (15)(c).

~~(24)~~(25) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:

(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.

(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:

(i) miscible fluid displacement;

(ii) steam drive injection;

(iii) micellar/emulsion flooding;

(iv) in situ combustion;

(v) polymer augmented water flooding;

(vi) cyclic steam injection;

(vii) alkaline or caustic flooding;

(viii) carbon dioxide water flooding;

(ix) immiscible carbon dioxide displacement; and

(x) any other method approved by the board as a tertiary recovery method.

~~(25)~~(26) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.

~~(26)~~(27) "Working interest owner" means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the

well or wells.""

Insert: "**Section 2.** Section 15-36-304, MCA, is amended to read:

"**15-36-304. Production tax rates imposed on oil and natural gas -- exemption.** (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.

(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Nonworking Interest	Working Interest
(a) (i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	14.8%	14.8%
(B) post-1999 wells	9%	14.8%
(b) stripper natural gas pre-1999 wells	11%	14.8%
(c) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months	9%	14.8%

(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

	Nonworking Interest	Working Interest
(a) primary recovery production:		
(i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(b) (i) pre-1999 stripper oil ~~production:~~ wells	5%	14.8%
(ii) pre-1999 stripper well exemption production	0.5%	14.8%
(c) (i) post-1999 stripper wells:		
~~(i)~~(A) first 1 through 10 barrels a day production	5.5%	14.8%
~~(ii)~~(B) more than 10 barrels a day production	9.0%	14.8%

~~(c)~~(ii) ~~(i)~~ (A) post-1999 stripper well exemption production	0.5%	14.8%
~~(ii)~~(B) post-1999 stripper well bonus production	6.0%	14.8%
(d) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(e) incremental production:		
(i) new or expanded secondary recovery production	8.5%	14.8%
(ii) new or expanded tertiary production	5.8%	14.8%
(f) horizontally recompleted well:		
(i) first 18 months	5.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%

(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.

(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.

(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.

(c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price ~~for a barrel of west Texas intermediate crude~~ reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54. If the price of oil is equal to or greater than $54 a barrel ~~in a calendar quarter as determined in subsection (6)(e),~~ then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.

(d) ~~(i) Stripper~~ Pre-1999 stripper well exemption production is taxed as provided in subsection ~~(5)(c)(i)~~ (5)(b)(ii) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54 a barrel. If the price of oil is equal to or greater than $54 a barrel, there is no pre-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as pre-1999 stripper well ~~bonus~~ production.

(e) (i) Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54 a barrel. If the price of oil is equal to or greater than $54 a barrel, there is no post-1999 stripper well exemption tax rate and oil

produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.

(ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than $54 a barrel.

~~(e) For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

(7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account . The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.

(8) Any interest in production owned by the state or a local government is exempt from taxation under this section.""

Insert: "NEW SECTION. **Section 3. Effective date**. [This act] is effective July 1, 2021."

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 19, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, MT 59601

Dear President Blasdel:

On Monday, April 19th, I signed **Senate Bill 169** - Cuffe.

The bill has been delivered to the Secretary of State.

Sincerely,

Greg Gianforte
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/15/2021

SB 185, introduced by D. Howard

Senate joint resolutions concurred in and returned to the Senate: 4/15/2021

SJ 7, introduced by J. Welborn
SJ 17, introduced by B. Bennett

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/15/2021

SB 165, introduced by C. Glimm
SB 172, introduced by D. Howard
SB 173, introduced by D. Howard

Senate joint resolutions concurred in as amended and returned to the Senate for concurrence in House amendments:

4/15/2021

SJ 1, introduced by C. Smith
SJ 18, introduced by B. Gillespie

Senate bill not concurred in and returned to the Senate: 4/15/2021

SB 318, introduced by T. Manzella

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 29, introduced by S. O'Brien, referred to Public Health, Welfare and Safety.
SJ 30, introduced by G. Hertz, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on

second reading, recommend as follows:

HB 427 - Majority Leader Smith moved consideration of **HB 427** be passed for the day. Without objection, so ordered.

HB 620 - Majority Leader Smith moved consideration of **HB 620** be passed for the day. Without objection, so ordered.

SR 82 - Senator Kary moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 82**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SR 85 - Senator Kary moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 85**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Brown, Aye.

Excused: Brown.

Total 1

Absent or not voting: None.
Total 0

SR 86 - Senator Kary moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 86**. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber, Welborn.
Total 19

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SR 96 - Senator Kary moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 96**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.

Total 0

SR 76 - Senator Kary moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 76**. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 397 - Senator Hoven moved **HB 397** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 29

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 21

Voted absentee: Brown, No.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 593 - Senator Ellsworth moved consideration of **HB 593** be passed for the day. Without objection, so ordered.

HB 688 - Senator Gillespie moved **HB 688** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn, Mr. President.
Total 40

Nays: Esp, Glimm, Hinebauch, Lang, McGillvray, Molnar, Regier K, Smith C, Tempel, Vance.
Total 10

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 705 - Senator Fitzpatrick moved **HB 705** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 42

Nays: Cuffe, Esp, Glimm, Howard, Keenan, Lang, McGillvray, Smith C.
Total 8

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 181 - Senator Hertz moved **HB 181** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 644 - Senator O'Brien moved **HB 644** be concurred in.

HB 644 - Senator Tempel moved **HB 644**, second reading copy, be amended as follows:

1. Title, line 4.
Following: "THE"
Strike: "TRIBAL"

2. Page 1, line 14.
Strike: "Tribal computer"
Insert: "**Computer**"

3. Page 1, line 15.
Following: "is a"
Strike: "tribal"

4. Page 1, line 16 through line 17.
Strike: "on Indian" on line 16 through "state" on line 17
Insert: "in rural Montana"

5. Page 1, line 18.
Following: "among"
Strike: "Indian"

6. Page 1, line 20.
Strike: "Indian country"
Insert: "rural Montana"

7. Page 1, line 25 through line 26.
Strike: "located" on line 25 through "tribe" on line 26

Insert: "that is classified as an impacted school pursuant to 20-4-502"

8. Page 2, line 8.
Strike: "TRIBAL"
Insert: "rural"

9. Page 2, line 24.
Following: "SUBSECTION (3)"
Strike: ","
Insert: ":
(i)"

10. Page 2, line 25.
Following: "32"
Insert: "; and
(ii) the term "rural community" means a community served by a high school classified as an impacted school pursuant to 20-4-502"

11. Page 2, line 28 through page 3, line 3.
Strike: "THE EDUCATION" on page 2, line 28 through "PROGRAM" on page 3, line 3

12. Page 3, line 7.
Following: "THE"
Strike: "tribal"

13. Page 3, line 8.
Following: "funding"
Insert: "each year of the biennium"

14. Page 3, line 8.
Strike: "two"
Insert: "16"

15. Page 3, line 9 through line 11.
Strike: "located" on line 9 through "tribe" on line 11
Insert: "classified as an impacted school pursuant to 20-4-502"

16. Page 3, line 13 through line 14.
Strike: section 3 in its entirety
Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Ankney, Bogner, Brown, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Smith C,

Tempel, Vance, Welborn.
Total 23

Nays: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Flowers, Fox, Friedel, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Webber, Mr. President.
Total 27

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 644 - Thereupon, the Senate reverted to the original motion of Senator O'Brien which passed as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Ellsworth, Flowers, Fox, Gross, Hertz, Hoven, Jacobson, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn, Mr. President.
Total 30

Nays: Bogner, Brown, Cuffe, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, McGillvray, Osmundson, Regier K, Smith C, Tempel, Vance.
Total 20

Voted absentee: Brown, No.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HJ 9 - Senator Bogner moved **HJ 9** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Esp, Fitzpatrick, Hoven.
Total 3

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 7 - Senator Cuffe moved **HB 7** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 9 - Senator Cuffe moved **HB 9** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 40

Nays: Brown, Esp, Gillespie, Glimm, Hinebauch, Keenan, McGillvray, Regier K, Smith C, Vance.
Total 10

Voted absentee: Brown, No.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 5 - Senator Cuffe moved **HB 5** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 6 - Senator Cuffe moved **HB 6** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 8 - Senator Cuffe moved **HB 8** be concurred in.

HB 8 - Senator Cuffe moved **HB 8**, second reading copy, be amended as follows:

1. Page 4, line 1.
Strike: "$78,595,000"
Insert: "$101,695,000"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 46

Nays: Cohenour, Howard, Molnar, Webber.
Total 4

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 8 - As amended, **HB 8** was concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 10 - Senator Cuffe moved **HB 10** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Esp, Glimm, Keenan, Molnar.
Total 4

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 11 - Senator Cuffe moved **HB 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 12 - Senator Cuffe moved **HB 12** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn, Mr. President.
Total 39

Nays: Bogner, Brown, Glimm, Hinebauch, Keenan, Manzella, Molnar, Regier K, Smith C, Tempel, Vance.
Total 11

Voted absentee: Brown, No.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 14 - Senator Cuffe moved **HB 14** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Brown, Glimm, Keenan.
Total 3

Voted absentee: Brown, No.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 602 - Senator McGillvray moved **HB 602** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: Regier K.
Total 1

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 495 - Senator McGillvray moved **HB 495** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 42

Nays: Brown, Cuffe, Esp, Glimm, Kary, Keenan, Smith C, Vance.
Total 8

Voted absentee: Brown, No.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SJ 23 - Senator Jacobson moved **SJ 23** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SJ 25 - Senator Hoven moved **SJ 25** do pass. Motion **failed** as follows:

Yeas: Ankney, Boldman, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Lang, McGillvray, McNally, Osmundson, Regier K, Sales, Salomon, Tempel, Vance, Welborn.
Total 18

Nays: Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Glimm, Howard, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Smith C, Sweeney, Webber, Mr. President.
Total 32

Voted absentee: Brown, No.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SJ 25 - Majority Leader Smith moved **SJ 25** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Glimm, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sands, Small, Smith C, Sweeney, Webber, Mr. President.
Total 35

Nays: Ankney, Boldman, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Regier K, Sales, Salomon, Tempel, Vance, Welborn.
Total 14

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 610 - Senator Fox moved **HB 610** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Keenan, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 44

Nays: Esp, Hinebauch, Howard, Kary, Lang, Regier K.
Total 6

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 267 - Senator Glimm moved **HB 267** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 47

Nays: Lang, Smith C, Vance.
Total 3

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 191 - **House Amendments** - Senator Osmundson moved House amendments to **SB 191** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Brown, Aye.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Pro Tempore Ellsworth presiding.

Chair Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Pomnichowski, Salomon.
Total 2

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

Senate recessed at 3:15 p.m. and reconvened at 3:31 p.m., President Pro Tempore Ellsworth presiding.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/20/2021
HB 702, be amended as follows:

1. Page 2, line 5 through line 8.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

And, as amended, be concurred in.

Without objection, the committee report was adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 31, introduced by E. Boldman, referred to Business, Labor, and Economic Affairs.
SJ 32, introduced by E. Boldman, referred to Business, Labor, and Economic Affairs.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 249 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn.
Total 38

Nays: Boland, Cohenour, Ellis, Flowers, McClafferty, O'Brien, Pomnichowski, Pope, Sands, Webber, Mr. President.
Total 11

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

Vote totals include two changes of votes from No to Yes, made by Senator Boldman and Senator Morigeau under Motions.

HB 255 failed as follows:

Yeas: Ankney, Ellis, Ellsworth, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lynch, McGillvray, McNally, Molnar, Morigeau, Osmundson, Sands.
Total 19

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Esp, Fox, Glimm, Hertz, Hinebauch, Howard, Keenan, Lang, Manzella, McClafferty, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 30

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes, made by Senator Morigeau under Motions.

HB 588 failed as follows:

Yeas: Bogner, Cuffe, Ellsworth, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 19

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gauthier, Gross, Hoven, Jacobson, Keenan, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 30

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 640 concurred in as follows:

Yeas: Ankney, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 46 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 42

Nays: Hinebauch, Howard, Keenan, Manzella, McGillvray, Smith C, Vance.
Total 7

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 92 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Esp, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Mr. President.
Total 43

Nays: Cuffe, Fitzpatrick, Howard, Osmundson, Vance, Welborn.
Total 6

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 115 concurred in as follows:

Yeas: Ankney, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 277 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 497 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Glimm.
Total 1

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 553 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 578 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 688 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Keenan, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 34

Nays: Cuffe, Esp, Glimm, Hinebauch, Kary, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Welborn, Mr. President.
Total 15

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 181 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 644 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gross, Hertz, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn, Mr. President.
Total 30

Nays: Bogner, Cuffe, Esp, Friedel, Gauthier, Gillespie, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Tempel, Vance.
Total 19

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HJ 9 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 47

Nays: Fitzpatrick, Welborn.
Total 2

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 7 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 9 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 38

Nays: Esp, Gillespie, Glimm, Hinebauch, Keenan, Manzella, McGillvray, Molnar, Regier K, Smith C, Vance.
Total 11

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 5 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 6 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 10 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Esp, Glimm, Hinebauch, Keenan.
Total 4

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 11 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 12 concurred in as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn, Mr. President.
Total 34

Nays: Ankney, Bogner, Esp, Glimm, Hinebauch, Howard, Keenan, Lang, Manzella, McGillvray, Molnar, Regier K, Smith C, Tempel, Vance.
Total 15

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 14 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Esp, Glimm, Keenan, Molnar.
Total 4

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 602 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally,

Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Regier K.
Total 1

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 495 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 43

Nays: Esp, Glimm, Kary, Keenan, Smith C, Vance.
Total 6

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SJ 23 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 48

Nays: Vance.

Total 1

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 610 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 41

Nays: Esp, Friedel, Hinebauch, Howard, Kary, Keenan, Lang, Regier K.
Total 8

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 267 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Mr. President.
Total 45

Nays: Lang, Smith C, Vance, Welborn.
Total 4

Voted absentee: None.

Excused: Brown.

Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that **HB 705**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 397**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 178**. Without objection, so ordered. President Pro Tempore Ellsworth appointed Senator Kary, Chair, and Senators Bennett and Cuffe.

Majority Leader Smith moved the Senate appoint a Free Conference Committee on **SB 191**, and request the House appoint a like committee. President Pro Tempore Ellsworth appointed Senator Smith, Chair, and Senators Lynch and Osmundson.

Senator Bennett moved to indefinitely postpone **HB 427**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 27

Nays: Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 22

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

Senator Salomon moved that **HB 235** be taken from the Public Health, Welfare and Safety Committee and placed on second reading Wednesday, April 21, 2021, the seventy-fourth legislative day. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Ellsworth, Flowers, Fox, Gross, Hertz, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn.
Total 27

Nays: Bogner, Cuffe, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Tempel, Vance, Mr. President.
Total 22

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

Senator Boldman moved to change her third-reading vote on **HB 249** from No to Yes. Without objection, so ordered.

Senator Morigeau moved to change his third-reading votes on **HB 255** and **HB 249** from No to Yes. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the coming week:

Grace Johnson from Helena, Montana, sponsored by Senator Esp
Timothy Cuddy from Helena, Montana, sponsored by Senator Bennett

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Wednesday, April 21, 2021, the seventy-fourth legislative day. Motion carried.

Senate adjourned at 4:14 p.m.

MARILYN MILLER
Secretary of the Senate

JASON ELLSWORTH
President Pro Tempore of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SEVENTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 21, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/21/2021
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixty-first through the sixty-eighth legislative days, find the same to be correct.

Correctly printed: **SJ 23**, **SJ 26**, **SJ 29**, **SJ 30**, **SJ 31**, **SJ 32**, **SR 76**, **SR 82**, **SR 85**, **SR 86**, **SR 93**, **SR 96**, **SR 99**, **HB 5**, **HB 6**, **HB 7**, **HB 9**, **HB 10**, **HB 11**, **HB 12**, **HB 14**, **HB 181**, **HB 235**, **HB 247**, **HB 267**, **HB 367**, **HB 397**, **HB 464**, **HB 495**, **HB 602**, **HB 606**, **HB 610**, **HB 644**, **HB 647**, **HB 660**, **HB 688**, **HB 705**, **HJ 9**.
Correctly engrossed: **HB 8**, **HB 330**, **HB 629**, **HB 661**, **HB 694**, **HB 702**, **HB 703**.
Correctly enrolled: **SB 301**, **SB 314**, **SB 337**, **SB 338**, **SB 360**, **SB 372**, **SJ 8**, **SJ 10**, **SR 98**.
Examined by the sponsor and found to be correct: **SB 247**, **SB 253**, **SB 301**, **SB 314**, **SB 337**, **SB 338**, **SB 350**, **SB 360**, **SJ 8**, **SR 98**.
Transmitted to the House: **SJ 23**, **HB 5**, **HB 6**, **HB 7**, **HB 9**, **HB 10**, **HB 11**, **HB 12**, **HB 14**, **HB 46**, **HB 92**, **HB 115**, **HB 181**, **HB 249**, **HB 267**, **HB 277**, **HB 495**, **HB 497**, **HB 553**, **HB 578**, **HB 602**, **HB 610**, **HB 640**, **HB 644**, **HB 688**, **HJ 9**.

SPECIAL ORDERS OF THE DAY

Senator Kary introduced an additional Page for this week:

Reece Pitcher from Philipsburg, Montana, sponsored by Senator Sweeney

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/20/2021
HB 4, be amended as follows:

1. Page 1.
Following: line 20
Insert: "Supreme Court Operations
Supporting Foster Youth and Families Through the Pandemic FY 2021
$100,469 Federal
All remaining fiscal year 2021 federal budget amendment authority for the district court

workload assessment is authorized to continue into state fiscal year 2022.

All remaining fiscal year 2021 federal budget amendment authority for the state court improvement data program and for the state court improvement training program and for supporting foster youth and families through the pandemic is authorized to continue into federal fiscal year 2022."

2. Page 1, line 27.
Following: "program"
Insert: "and for the Yellowstone County family drug court expansion and for the 13th judicial district veterans treatment court expansion"

3. Page 2.
Following: line 6
Insert: "All remaining fiscal year 2021 federal budget amendment authority for an innovative partnership to prepare rural school-based mental health services providers and for the troops-to-teachers program is authorized to continue into state fiscal year 2022."

4. Page 2, line 10 through line 11.
Strike: line 10 through line 11 in their entirety

5. Page 2.
Following: line 16
Insert: "Legal Services Division

All remaining fiscal year 2021 federal budget amendment authority for prescription drug prevention is authorized to continue into federal fiscal year 2023."

6. Page 2.
Following: line 20
Insert: "High Intensity Drug Trafficking Areas Program FY 2021 $62,780 Federal"

7. Page 2, line 21.
Following: "project"
Insert: "and for the criminal interdiction program"

8. Page 2, line 24.
Following: "program"
Insert: "and for the high intensity drug trafficking areas program"

9. Page 2.
Following: line 25
Insert: "Criminal Interdiction Program FY 2021 $42,750 Federal
High Intensity Drug Trafficking Areas Program FY 2021 $82,500 Federal
Organized Crime Drug Enforcement Task Force FY 2021 $13,500 Federal
Drug Enforcement Administration Grants FY 2021 $96,860 Federal

All remaining fiscal year 2021 federal budget amendment authority for drug enforcement administration grants and for the criminal interdiction program and for the organized crime drug

enforcement task force is authorized to continue into state fiscal year 2022."

10. Page 3, line 1.
Following: "program"
Insert: "and for the high intensity drug trafficking areas program"

11. Page 3.
Following: line 2
Insert: "National Center on Forensics Award FY 2021 $85,346 Federal"

12. Page 3, line 3.
Following: "the"
Insert: "fiscal year 2019"

13. Page 3, line 4.
Following: "program"
Insert: "and for the fiscal year 2018 DNA capacity enhancement and backlog reduction program and for the national center on forensics award"

14. Page 3.
Following: line 4
Insert: "All remaining fiscal year 2021 federal budget amendment authority for the fiscal year 2020 DNA backlog reduction program is authorized to continue into federal fiscal year 2022."

15. Page 3.
Following: line 21
Insert: "Merchandise Authority FY 2021 $32,000 Proprietary"

16. Page 3.
Following: line 24
Insert: "Newspaper Repository Authority FY 2021 $40,000 Proprietary
Board Programming Grant FY 2021 $11,996 Federal"

17. Page 3, line 26.
Following: "trip"
Insert: "and for the board programming grant"

18. Page 3.
Following: line 28
Insert: "Publications
Publications Authority FY 2021 $40,000 Proprietary"

19. Page 4.
Following: line 1
Insert: "Historic State Preservation Office Authority FY 2021 $20,000 Proprietary
All remaining fiscal year 2021 federal budget amendment authority for documenting and

sharing Montana's statewide African American heritage is authorized to continue into state fiscal year 2022."

20. Page 4, line 3.
Strike: "program"
Insert: "programs"

21. Page 4.
Following: line 11
Insert: "Pronghorn Movement and Population Ecology FY 2021 $100,000 Federal"

22. Page 4, line 15.
Following: "grant"
Insert: "and for the wildlife restoration grant program and for acoustic monitoring to assess impacts of white-nose syndrome"

23. Page 4, line 20.
Following: "access"
Insert: "and for assessing habitat conservation, enhancement, and restoration impacts"

24. Page 4, line 25.
Following: "study"
Insert: "and for the dusky grouse monitoring study"

25. Page 4.
Following: line 27
Insert: "Geological Survey of Headwaters State Park FY 2021 $6,800 Federal
Council Grove Sign FY 2021 $5000 Federal"

26. Page 5, line 1.
Following: "management"
Insert: "and for the geological survey of Headwaters State Park"

27. Page 5.
Following: line 1
Insert: "All remaining fiscal year 2021 federal budget amendment authority for the council grove sign is authorized to continue into federal fiscal year 2023."

28. Page 5, line 23.
Following: "grant"
Insert: "and for the section 106 monitoring initiative grant"

29. Page 6.
Following: line 8
Insert: "Bridge Replacement and Rehabilitation FY 2021 $30,577,957 Federal"

30. Page 6, line 13.
Following: "program"
Insert: "and for bridge replacement and rehabilitation"

31. Page 6.
Following: line 25
Insert: "Department of Livestock
Animal Health Division
Animal Disease Traceability FY 2021 $34,804 Federal
All remaining fiscal year 2021 federal budget amendment authority for captive bolt euthanasia training is authorized to continue into state fiscal year 2022."

32. Page 7.
Following: line 3
Insert: "All remaining fiscal year 2021 federal budget amendment authority for characterizing septic leachate pollution in the Flathead basin is authorized to continue into federal fiscal year 2022.
All remaining fiscal year 2021 federal budget amendment authority for the water pollution control capitalization grant and for the drinking water state revolving capitalization grant is authorized to continue into state fiscal year 2023.
All remaining fiscal year 2021 federal budget amendment authority to improve range health is authorized to continue into federal fiscal year 2023."

33. Page 7.
Following: line 4
Insert: "Water Rights Administrative Support Within the Yellowstone Controlled Groundwater Area FY 2021 $23,000 Federal
Drought Adaptation and Response Plan FY 2021 $200,000 Federal"

34. Page 7, line 6.
Following: the second "awards"
Insert: "and for the 2020 aquifer data project"

35. Page 7, line 10.
Following: "area"
Insert: "and for the drought adaptation and response plan"

36. Page 7.
Following: line 12
Insert: "2019 Hazardous Fuel Reduction FY 2021 $12,000 Federal"

37. Page 7, line 15.
Following: "assistance"
Insert: "and for shared stewardship and for fuel reduction activities initiated by the Helena-Lewis and Clark National Forest"

38. Page 7, line 26.

Following: "building"
Insert: "and the good neighbor agreement for forest restoration services"

39. Page 8, line 1.
Following: "grant"
Insert: "and for 2021 hazardous fuel reduction and for the conservation reserve program"

40. Page 8.
Following: line 13
Insert: "Agricultural Mediation Grant FY 2021 $3,104 Federal"

41. Page 8.
Following: line 23
Insert: "All remaining fiscal year 2021 federal budget amendment authority for the state victim liaison project and for developing high-risk teams to reduce intimate partner violence and homicides and for the delinquency prevention program and for project safe neighborhoods is authorized to continue into federal fiscal year 2023."

42. Page 8.
Following: line 28
Insert: "Community Development Block Grant FY 2021 $10,174,175 Federal"

43. Page 9, line 4.
Following: "fund"
Insert: "and for the community development block grant"

44. Page 9.
Following: line 5
Insert: "All remaining fiscal year 2021 federal budget amendment authority for the housing choice voucher supplemental program and for the mainstream administrative fees program and for the moderate rehabilitation program is authorized to continue into state fiscal year 2022."

45. Page 9.
Following: line 11
Insert: "Unemployment Insurance Division

Pandemic Unemployment Fraud Investigation FY 2021 $1,215,000 Federal

All remaining fiscal year 2021 federal budget amendment authority for the pandemic unemployment fraud investigation and for the covid-19 special administrative grant funds and for pandemic unemployment assistance operations and for federal pandemic unemployment compensation operations and for federal pandemic emergency unemployment compensation operations is authorized to continue into state fiscal year 2022.

Office of Community Services

All remaining fiscal year 2021 federal budget amendment authority for training and technical assistance is authorized to continue into state fiscal year 2022."

46. Page 9.

Following: line 13
Insert: "Emergency Solutions Grant Program FY 2021 $6,742,481 Federal
Second allocation of the Community Services Block Grant
FY 2021 3,327,308 Federal
Increase to Supplemental Nutrition Assistance Program FY 2021 $17,777,309 Federal
Emergency Food Assistance Program FY 2021 $236,229 Federal
Food Distribution Program on Indian Reservations FY 2021 $103,685 Federal
Supplemental Nutrition Assistance Program FY 2021 $33,335,403 Federal
Pandemic Electronic Benefit Transfer Administrative Funding Grants
FY 2021 $763,251 Federal

All remaining fiscal year 2021 federal budget amendment authority for the emergency food assistance program and for the pandemic electronic benefit transfer administrative funding grants is authorized to continue into state fiscal year 2022."

47. Page 9, line 14 through line 15.
Strike: lines 14 through 15 in their entirety

48. Page 9, line 17.
Following: "grant"
Insert: "and for the emergency solutions grant program and for the food distribution program on Indian reservations"

49. Page 9, line 21.
Following: "reservations"
Insert: "and for the second allocation of the community services block grant"

50. Page 9.
Following: line 22
Insert: "John H. Chafee Foster Care Program for Successful Transition to Adulthood
FY 2021 $2,978,840 Federal
Chafee Education and Training Vouchers Program FY 2021 $432,971 Federal
Federal Medical Assistance Percentage FY 2021 $230,461 Federal
Child Welfare Services FY 2021 $108,741 Federal

All remaining fiscal year 2021 federal budget amendment authority for child welfare services is authorized to continue into state fiscal year 2022."

51. Page 9, line 24.
Strike: "and for promoting safe and stable families"
Insert: "and for the John H. Chafee foster care program for successful transition to adulthood and for the Chafee education and training vouchers program"

52. Page 9.
Following: line 25
Insert: "All remaining fiscal year 2021 federal budget amendment authority for promoting safe and stable families is authorized to continue into federal fiscal year 2023."

53. Page 9.
Following: line 26
Insert: "Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases FY 2021 $846,000 Federal
Environmental Health Education and Assessment Program
FY 2021 $340,124 Federal"

54. Page 9, line 28.
Following: "diseases"
Insert: "and for the public health crisis response and for HIV care formula grants and for the environmental health education and assessment program"

55. Page 10.
Following: line 4
Insert: "All remaining fiscal year 2021 budget amendment authority for covid-19 vaccination planning and implementation is authorized to continue into federal fiscal year 2023."

56. Page 10.
Following: line 5
Insert: "Supplemental Nursing Home Survey and Certification Activities
FY 2021 $205,580 Federal
All remaining fiscal year 2021 federal budget amendment authority for the supplemental nursing home survey and certification activities is authorized to continue into state fiscal year 2022."

57. Page 10.
Following: line 7
Insert: "Developmental Services Division
Federal Medical Assistance Percentage FY 2021 $1,119,327 Federal
Health Resources Division
Expanding Early Identification and Access to Perinatal Mental Health
FY 2021 $93,851 Federal
Federal Medical Assistance Percentage FY 2021 $2,777,342 Federal
All remaining fiscal year 2021 federal budget amendment authority for expanding early identification and access to perinatal mental health is authorized to continue into state fiscal year 2022."

58. Page 10.
Following: line 8
Insert: "Consolidated Appropriations Act FY 2021 $840,000 Federal
Enhance Adult Protective Services FY 2021 $704,100 Federal
Aging Ombudsman Program FY 2021 $20,000 Federal
All remaining fiscal year 2021 federal budget amendment authority for the enhancement of adult protective services system is authorized to continue into state fiscal year 2022."

59. Page 10, line 12.
Following: "misuse"
Insert: "and for the consolidated appropriations act and to enhance adult protective services and

for the aging ombudsman program"

60. Page 10.
Following: line 13
Insert: "Sexual Risk Avoidance Education FY 2021 $159,264 Federal
Pediatric Mental Health Care Access Program FY 2021 $508,329 Federal
Maternal Health Innovation Program FY 2021 $2,253,794 Federal

All remaining fiscal year 2021 federal budget amendment authority for the pediatric mental health care access program and for the maternal health innovation program is authorized to continue into state fiscal year 2022.

All remaining fiscal year 2021 federal budget amendment authority for the maternal, infant, and childhood home visiting program and for sexual risk avoidance education is authorized to continue into federal fiscal year 2022."

61. Page 10.
Following: line 15
Insert: "Addictive & Mental Disorders
Emergency COVID-19 Project FY 2021 $2,859,649 Federal
Block Grants for Community Mental Health Services FY 2021 $2,531,162 Federal
Substance Abuse Prevention and Treatment Block Grant FY 2021 $6,530,972 Federal
Federal Medical Assistance Percentage FY 2021 $449,974 Federal

All remaining fiscal year 2021 federal budget amendment authority for the zero suicide initiative and for the partnership for success grant is authorized to continue into state fiscal year 2022.

All remaining fiscal year 2021 federal budget amendment authority for the emergency COVID-19 project and for block grants for community mental health services and for the substance abuse prevention and treatment block grant is authorized to continue into state fiscal year 2023."

And, as amended, be concurred in.

HB 188, be concurred in.
HB 330, be amended as follows:

1. Title, line 9.
Following: "EFFICIENCY"
Insert: "AND A STUDY ON DYNAMIC FISCAL NOTES"

2. Page 2, line 12.
Following: "2021,"
Insert: "in consultation with the speaker of the house,"

3. Page 6.
Following: line 20
Insert: "NEW SECTION. **Section 5. Dynamic fiscal note study.** (1) The legislative finance committee shall direct a study of the use of dynamic fiscal notes in other states and their potential

use in Montana.

(2) The study will be conducted subject to direction from the legislative finance committee.

(3) The legislative fiscal division will make the report of the study and any recommendations of the legislative finance committee available to the 2023 legislative session."

Renumber: subsequent sections

And, as amended, be concurred in.

HB 357, be amended as follows:

1. Page 1.
Following: line 10
Strike: everything after the enacting clause
Insert: "**Section 1.** Section 15-6-301, MCA, is amended to read:
"**15-6-301. Definitions.** As used in this part, the following definitions apply:
(1) "Annual verification" means the use of a process to:
(a) verify an applicant's income;
(b) approve, renew, or deny benefits for the current year based upon the applicant's eligibility; and
(c) terminate participation based upon death or loss of status as a qualified veteran or veteran's spouse.
(2) "PCE" means the implicit price deflator (price index) for personal consumption expenditures as published ~~quarterly in the survey of current business~~ in the national income and product accounts by the bureau of economic analysis of the U.S. department of commerce.
(3) "PCE inflation factor" for a tax year means the PCE price index value for ~~April~~ the first quarter of the prior tax year before the tax year divided by the PCE price index value for ~~April~~ the first quarter of 2015.
(4) (a) "Primary residence" is, subject to the provisions of subsection (4)(b), a dwelling:
(i) in which a taxpayer can demonstrate the taxpayer lived for at least 7 months of the year for which benefits are claimed;
(ii) that is the only residence for which property tax assistance is claimed; and
(iii) determined using the indicators provided for in the rules authorized by 15-6-302(2).
(b) A primary residence may include more than one dwelling when the taxpayer's combined residence in the dwellings is at least 7 months of the tax year.
(5) "Qualified veteran" means a veteran:
(a) who was killed while on active duty or died as a result of a service-connected disability; or
(b) if living:
(i) was honorably discharged from active service in any branch of the armed services; and
(ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability, as verified by official documentation from the U.S. department of veterans affairs.
(6) "Qualifying income" means:
(a) the federal adjusted gross income excluding capital and income losses of an applicant and the applicant's spouse as calculated on the Montana income tax return for the prior year;
(b) for assistance under 15-6-311, the federal adjusted gross income excluding capital and income losses of an applicant as calculated on the Montana income tax return for the prior tax year;

or

(c) for an applicant who is not required to file a Montana income tax return, the income determined using available income information.

(7) "Qualifying property" means a primary residence that a qualified applicant owned and occupied for at least 7 months during the tax year.

(8) "Residential real property" means the land and improvements of a taxpayer's primary residence.""

Insert: "**Section 2.** Section 15-6-305, MCA, is amended to read:

"**15-6-305. Property tax assistance program -- fixed or limited income.** (1) There is a property tax assistance program that provides graduated levels of tax assistance for the purpose of assisting citizens with limited or fixed incomes. To be eligible for the program, applicants must meet the requirements of 15-6-302.

(2) The first $200,000 in appraisal value of residential real property qualifying for the property tax assistance program is taxed at the rates established by 15-6-134 multiplied by a percentage figure based on the applicant's qualifying income determined from the following table:

Income Single Person	Income Married Couple Head of Household	Percentage Multiplier
$0 - $8,413	$0 - $11,217	20%
$8,414 - $12,900	$11,218 - $19,630	50%
$12,901 - $21,032	$19,631 - $28,043	70%

(3) The qualifying income levels contained in subsection (2) must be adjusted annually using the PCE inflation factor defined in 15-6-301, rounded to the nearest whole dollar amount. <u>If the adjustment results in a decrease in qualifying income levels from the previous year, the qualifying income levels must remain the same for that year.</u>""

Insert: "**Section 3.** Section 15-6-311, MCA, is amended to read:

"**15-6-311. Disabled veteran program.** (1) The residential real property of a qualified veteran or a qualified veteran's spouse is eligible to receive a tax rate reduction as provided in 15-6-302 and this section.

(2) Property qualifying under subsection (1) and owned by a qualified veteran is taxed at the rate provided in 15-6-134 multiplied by a percentage figure based on the applicant's qualifying income determined from the following table:

Income Single Person	Income Married Couple Head of Household	Percentage Multiplier
$0 - $37,404	$0 - $44,885	0%

$37,405 - $41,145	$44,886 - $48,626	20%
$41,146 - $44,885	$48,627 - $52,366	30%
$44,886 - $48,626	$52,367 - $56,107	50%

(3) For a surviving spouse who owns property qualifying under subsection (4), the property is taxed at the rate established by 15-6-134 multiplied by a percentage figure based on the spouse's qualifying income determined from the following table:

Income	Percentage
Surviving Spouse	Multiplier
$0 - $31,170	0%
$31,171 - $34,911	20%
$34,912 - $38,651	30%
$38,652 - $42,392	50%

(4) The property tax exemption under this section remains in effect as long as the qualifying income requirements are met and the property is the primary residence owned and occupied by the veteran or, if the veteran is deceased, by the veteran's spouse and the spouse:
(a) is the owner and occupant of the house;
(b) is unmarried; and
(c) has obtained from the U.S. department of veterans affairs a letter indicating that the veteran was rated 100% disabled or was paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability at the time of death or that the veteran died while on active duty or as a result of a service-connected disability.
(5) The qualifying income levels contained in subsections (2) and (3) must be adjusted annually by using the PCE inflation factor defined in 15-6-301, rounded to the nearest whole dollar amount. If the adjustment results in a decrease in qualifying income levels from the previous year, the qualifying income levels must remain the same for that year.""
Insert: "NEW SECTION. **Section 4.** {standard} **Effective date**. [This act] is effective on passage and approval."
Insert: "NEW SECTION. **Section 5. Retroactive applicability**. [This act] applies retroactively, within the meaning of 1-2-109, to property tax years beginning after December 31, 2020."

And, as amended, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/20/2021
HB 703, be amended as follows:

1. Page 1, line 25.
Following: "**purpose**"
Insert: "**-- exceptions**"

2. Page 1, line 27.
Strike: "must be free from coercion"
Insert: "may not be mandated"

3. Page 2, line 7.
Strike: "card"
Insert: "identification document"

4. Page 2, line 10.
Following: "acquire"
Strike: "common life-sustaining"

5. Page 2, line 11.
Following: the second "to"
Insert: "common life-sustaining goods such as"

6. Page 2, line 16.
Strike: "(2)"
Insert: "(3)"

7. Page 2, line 17.
Following: "individual"
Insert: "who is not an employee"

8. Page 2, line 17.
Strike: "an identification card"
Insert: "a government-issued identification document"

9. Page 2.
Following: line 22
Insert: "(4) A hospital or health care facility as defined in 50-5-101 is not in violation of this section if the hospital or facility requests visitors to provide vaccination status or immunity passport for entrance during a declared emergency based on an outbreak or epidemic of communicable disease and provides an alternative reasonable accommodation for visitors who do not wish to provide their vaccination status or immunity passport."

10. Page 2, line 23.
Strike: "(3)"
Insert: "(5)"

11. Page 2, line 23.
Following: the first "to"
Insert: ":
(a)"

12. Page 2, line 24.
Following: "order"
Insert: "; or
(b) a privately or publicly operated long-term care facility providing skilled nursing care as defined in 50-5-101 that has received notification of a deficiency from the centers for medicare and medicaid services for noncompliance with a federal law, regulation, or enforceable guidance that requires the facility to base an operational policy or procedure on a person's vaccination status if the deficiency will result in a federal enforcement action. This exception applies only to the extent specifically required by the federal law, regulation, or enforceable guidance and identified in the notification of the deficiency"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 112**
Report No. 001, April 20, 2021

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 112** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 112** (reference copy -- salmon) be amended as follows:

1. Page 4, line 17 through line 19.
Strike: "ON" on line 17 through "ACTION" on line 19
Insert: "21 days after the date the United States secretary of education files a written report with the proper committees of the United States house of representatives and the United States senate as required by 34 CFR 100.8(c)"

For the Senate:

K. Regier, Chair
Bennett
Howard

For the House:

Fuller, Vice Chair
France
A. Regier

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 354**
Report No. 001, April 20, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 354** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 354** (reference copy -- salmon) be amended as follows:

1. Title, line 6.
Following: "SIGNAGE;"
Insert: "DEFINING PRESCRIPTIVE EASEMENTS AND PUBLIC ACCESS PRESCRIPTIVE EASEMENTS; PROHIBITING ATTORNEY FEES FOR PLAINTIFFS IN PUBLIC ACCESS PRESCRIPTIVE EASEMENTS;"

2. Page 1, line 12.
Following: "**signage.**"
Insert: "(1)"

3. Page 1, line 13.
Strike: "ensure"
Insert: "notify"

4. Page 1, line 14.
Strike: "understand"
Insert: "of"

5. Page 1.
Following: line 14
Insert: "(2) A public access prescriptive easement may not be asserted if a government agency posts signage for more than 5 years that identifies land beyond the sign as private property."

6. Page 1.
Following: line 15
Insert: "NEW SECTION. **Section 2. Prescriptive easements -- declaration -- definitions.** (1) Mindful of Article IX, section 7, of the Montana constitution and consistent with 23-2-322(2), the legislature declares that where a dispute exists, the exercise of eminent domain is the preferred constitutional manner in which the recreating public acquires public access easements, rather than confiscation of private property rights in the name of the public by surrogates and nonprofit organizations.
(2) As used in Title 70, unless the context clearly indicates otherwise, the following definitions apply:
(a) "Prescriptive easement" means a right to use the property of another that is acquired by open, exclusive, notorious, hostile, adverse, continuous, and uninterrupted use for a

period of 5 years. For the purposes of this definition, the interests of a lessee in an alleged servient tenement are the same as those of the lessor of that alleged servient tenement.

(b) "Public access prescriptive easement" means a prescriptive easement based on public use of private land for the purpose of accessing public land for recreational uses, including but not limited to hunting, fishing, hiking, walking, traveling by horseback, bicycle, or motorized vehicle, and other outdoor-related pleasure activities. The term applies to any type of easement based on public use of private land, including easements claimed under section 2477 of Revised Statutes of the United States and section 32-103, Revised Codes of Montana (1947), that was repealed in 1959."

Insert: "NEW SECTION. **Section 3. Public access prescriptive easements -- private attorney general doctrine.** The private attorney general doctrine, as adopted by the Montana supreme court, does not apply to a cause of action brought by a party alleging a public access prescriptive easement. Plaintiffs who allege a public access prescriptive easement are not entitled to attorney fees."

Renumber: subsequent sections

7. Page 1, line 17 through line 20.
Following: "**waters.**"
Strike: "(1)" on line 17 through "(2)" on line 20

8. Page 1, line 20.
Following: "easement"
Insert: ", as defined in [section 2],"

9. Page 1, line 21.
Strike: "(a)"
Insert: "(1)"

10. Page 1, line 22.
Strike: "(i)"
Insert: "(a)"
Renumber: subsequent subsections

11. Page 1, line 24.
Following: "~~or~~"
Insert: "or"

12. Page 1, line 25.
Strike: "(b)"
Insert: "(2)"

13. Page 1, line 25 through line 26.
Strike: ":" on line 25 through "(i)" on line 26

14. Page 1, line 26 through page 2, line 14.
Following: "waters" on line 26
Insert: "."
Strike: remainder of line 26 through "property." on page 2, line 14

15. Page 2, line 17.
Following: "in"
Strike: "23-2-312, 23-2-322, and"

16. Page 2, line 20.
Strike: "granted, either by the terms of the grant or by the nature of the enjoyment, to"
Insert: "acquired by"

17. Page 2, line 21.
Following: "purposes"
Insert: ":
(a)"

18. Page 2, line 22.
Following: "grant"
Insert: "; and
(b) may not be used to grant additional rights and privileges to a successor or assignee unless the successor or assignee is specifically provided for in writing in the grant"

19. Page 2, line 26.
Strike: "Section"
Insert: "Sections"

20. Page 2, line 26.
Following: "1"
Insert: "through 3"

21. Page 2, line 26.
Strike: "is"
Insert: "are"

22. Page 2, line 27.
Strike: "section"
Insert: "sections"

23. Page 2, line 27.
Following: the third "1"
Insert: "through 3"

For the Senate:	For the House:
Hinebauch, Chair	Usher, Vice Chair
Fitzpatrick	Berglee
McClafferty	Bishop

SELECT COMMITTEE ON MARIJUANA LAW (Ellsworth, Chair): 4/20/2021
HB 655, be amended as follows:

1. Title, line 6 through line 7.
Strike: "REVISING" on line 6 through "MARIJUANA;" on line 7

2. Title, line 12.
Following: "SECTIONS"
Strike: "39-2-209, 39-2-210,"

3. Page 1, line 17 through page 2, line 8.
Strike: sections 1 and 2 in their entirety
Renumber: subsequent sections

4. Page 2, line 20.
Strike: "stated"
Insert: "written"

5. Page 13.
Following: line 16
Insert: "COORDINATION SECTION. **Section 4. Coordination instruction**. If House Bill No. 701 is passed and approved and if it repeals Title 50, chapter 46, part 3, then the reference to "Title 50, chapter 46, part 3" in [section 3 of this act] must be replaced by a reference to [sections 9 through 23 of House Bill No. 701]."
Renumber: subsequent sections

And, as amended, be concurred in.

MESSAGES FROM THE GOVERNOR

April 21, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, MT 59601

Dear President Blasdel:

On Tuesday, April 20th, I signed the following bills:

Senate Bill 33 - McNally
Senate Bill 43 - Sands
Senate Bill 49 - Blasdel
Senate Bill 55 - Cohenour
Senate Bill 57 - Pomnichowski
Senate Bill 101 - Smith
Senate Bill 135 - Fitzpatrick
Senate Bill 156 - Bennett

The bills have been delivered to the Secretary of State.

Sincerely,

Greg Gianforte
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/20/2021

SB 134, introduced by J. Small
SB 155, introduced by T. Jacobson
SB 213, introduced by K. Regier
SB 219, introduced by D. Howard
SB 237, introduced by D. Kary
SB 243, introduced by B. Bennett
SB 254, introduced by M. McNally
SB 344, introduced by K. Bogner
SB 365, introduced by K. Regier

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/20/2021

SB 87, introduced by D. Ankney
SB 142, introduced by K. Bogner
SB 149, introduced by T. McGillvray
SB 183, introduced by G. Hertz
SB 220, introduced by J. Cohenour
SB 224, introduced by S. Fitzpatrick
SB 231, introduced by M. Blasdel
SB 272, introduced by G. Vance
SB 284, introduced by R. Tempel
SB 316, introduced by S. Fitzpatrick
SB 357, introduced by J. Gross

HB 276 - The House failed to concur in Senate amendments to **HB 276,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 276:**

4/20/2021

Representative Lenz, Vice Chair
Representative Caferro
Representative Gillette

HB 502 - The House failed to concur in Senate amendments to **HB 502,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 502:**

4/20/2021

Representative Sheldon-Galloway, Vice Chair
Representative Bishop
Representative Lenz

HB 525 - The House failed to concur in Senate amendments to **HB 525,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 525:**

4/20/2021

Representative Buttrey, Vice Chair
Representative Galt
Representative Sullivan

SB 306 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 306:**

4/20/2021

Representative C. Knudsen, Vice Chair
Representative Farris-Olsen
Representative Phalen

Senate bills not concurred in and returned to the Senate: 4/20/2021

SB 29, introduced by Gillespie
SB 332, introduced by T. Manzella

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 33, introduced by C. Pope, referred to Energy and Telecommunications.
SJ 34, introduced by S. O'Brien, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Esp in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 319 - Majority Leader Smith moved consideration of **SB 319** be passed for the day. Without objection, so ordered.

HB 367- Majority Leader Smith moved consideration of **HB 367** be passed for the day. Without objection, so ordered.

SR 93 - Senator Hinebauch moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 93**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 99 - Senator Hinebauch moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 99**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Flowers, Pomnichowski.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 647 - Senator Hertz moved **HB 647** be concurred in. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, O'Brien, Osmundson, Regier K, Smith C, Sweeney, Tempel, Vance, Mr. President.
Total 31

Nays: Ankney, Boldman, Cohenour, Ellis, Fox, Hoven, Jacobson, Lynch, McClafferty, Molnar, Morigeau, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Webber, Welborn.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 247 - Senator Sands moved **HB 247** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 464 - Senator McGillvray moved **HB 464** be concurred in.

HB 464 - Senator O'Brien moved **HB 464**, second reading copy, be amended as follows:

1. Title, line 6.
Strike: "AN"
Insert: "A DELAYED"

2. Page 1, line 18.
Strike: "2021"
Insert: "2022"

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 20

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Mr. President.
Total 29

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: Welborn.
Total 1

HB 464 - Thereupon, the Senate reverted to the original motion of Senator McGillvray which passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 26 - Senator Sands moved **SJ 26** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Webber, Welborn, Mr. President.
Total 41

Nays: Esp, Glimm, Hinebauch, Howard, Keenan, Lang, Osmundson, Tempel, Vance.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 28 - President Blasdel moved **SJ 28** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Smith C, Sweeney, Welborn, Mr. President.
Total 43

Nays: Hoven, Lang, Molnar, Small, Tempel, Vance, Webber.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 624 - Senator Sales moved **HB 624** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 31

Nays: Brown, Ellsworth, Esp, Friedel, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 704 - Senator Bogner moved **HB 704** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Pomnichowski, Pope, Regier K, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 37

Nays: Esp, Friedel, Glimm, Hinebauch, Howard, Keenan, Lang, McGillvray, O'Brien, Osmundson, Sales, Smith C, Tempel.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 39 - **Conference Committee Report No. 1** - Senator K. Regier moved the Conference Committee report to **SB 39** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 641 - Senator Brown moved **HB 641** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 665 - Senator Hinebauch moved **HB 665** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 43

Nays: Cohenour, Flowers, Fox, Gross, O'Brien, Pomnichowski, Pope.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 696 - Senator K. Regier moved **HB 696** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 522 - Senator Fox moved **HB 522** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn.
Total 39

Nays: Esp, Hinebauch, Howard, Keenan, Manzella, Osmundson, Regier K, Smith C, Tempel, Vance, Mr. President.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 689 - Senator Fitzpatrick moved **HB 689** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 235 - Senator Salomon moved **HB 235** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn.
Total 26

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Tempel, Vance, Mr. President.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 184 - **House Amendments** - President Blasdel moved House amendments to **SB 184** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 278 - **House Amendments** - Senator Hertz moved House amendments to **SB 278** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 287 - **House Amendments** - Senator Sales moved House amendments to **SB 287** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 367 - **House Amendments** - Senator Morigeau moved House amendments to **SB 367** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 47

Nays: Howard, Smith C, Vance.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 40 - **House Amendments** - Senator Ellis moved House amendments to **SB 40** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Keenan, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 40

Nays: Brown, Esp, Hinebauch, Howard, Lang, Manzella, McGillvray, Regier K, Smith C, Vance.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 108 - **House Amendments** - Senator Kary moved House amendments to **SB 108** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar,

Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 363 - **House Amendments** - Senator Fitzpatrick moved House amendments to **SB 363** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 16 - **House Amendments** - Senator Hinebauch moved House amendments to **SJ 16** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 231 - **House Amendments** - Senator Blasdel moved House amendments to **SB 231** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Esp moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 36

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Pomnichowski, Pope, Sands, Webber.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/21/2021
HB 663, be amended as follows:

1. Page 2, line 21.
Strike: "The"
Insert: "For fiscal year 2024 and subsequent fiscal years, the"

2. Page 2, line 22.
Following: "(5)(a)"
Strike: "for fiscal years 2024 and subsequent fiscal years"

3. Page 2.
Following: line 22
Insert: "(i) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is at least $1 million more than the revenue transferred in the fiscal year 2 years prior, then:"

4. Page 2, line 23.
Strike: "(i)"
Insert: "(A)"

5. Page 2, line 23.
Strike: "divide 25% of the"
Insert: "multiply the amount of increased"

6. Page 2, line 24.
Following: "year"
Insert: "above the amount of revenue transferred in the fiscal year 2 years prior by 0.25, divide the resulting product"
Following: "$500,000"
Insert: ","

7. Page 2, line 25.
Strike: "(ii)"
Insert: "(B)"

8. Page 2, line 25.
Strike: "in this subsection (5)(a)"
Insert: "for the prior fiscal year"

9. Page 2, line 25.
Following: "(5)(a)(i)"
Insert: "(A) as a percentage point increase;
(ii) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is less than $1 million more than the revenue transferred in the fiscal year 2 years prior, then the multiplier is equal to the multiplier used for the prior fiscal year; and
(iii) for fiscal years 2032 and subsequent fiscal years, the multiplier is equal to the multiplier used for fiscal year 2031"

10. Page 4, line 7.
Following: "(5) (a)"
Insert: "Except as provided in subsection (6),"

11. Page 4, line 12.
Strike: "The"
Insert: "For fiscal year 2024 and subsequent fiscal years, the"

12. Page 4, line 13 through line 14.
Strike: "for" on line 13 through "years" on line 14

13. Page 4.
Following: line 14
Insert: "(i) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is at least $1 million more than the revenue transferred in the fiscal year 2 years prior, then:"

14. Page 4, line 14.
Strike: "(i) divide 25% of the"
Insert: "(A) multiply the amount of increased"

15. Page 4, line 16.
Following: "year"
Insert: "above the amount of revenue transferred in the fiscal year 2 years prior by 0.25, divide the resulting product"
Following: "$500,000"

Insert: ","

16. Page 4, line 17.
Strike: "(ii) increase the multiplier in this subsection (5)(a) by"
Insert: "(B) add"

17. Page 4, line 17.
Following: "(5)(a)(i)"
Insert: "(A) as a percentage point increase to:
(I) if the prior year was not affected by a contingency under subsection (6), the multiplier used for the prior fiscal year; or
(II) if the prior year was affected by a contingency under subsection (6), the multiplier for the prior fiscal year had the prior fiscal year not been affected by a contingency under subsection (6);
(ii) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant to 16-12-111 in the prior fiscal year is less than $1 million more than the revenue transferred in the fiscal year 2 years prior, then the multiplier is equal to:
(A) if the prior year was not affected by a contingency under subsection (6), the multiplier used for the prior fiscal year; or
(B) if the prior year was affected by a contingency under subsection (6), the multiplier for the prior fiscal year had the prior fiscal year not been affected by a contingency under subsection (6); and
(iii) for fiscal years 2032 and subsequent fiscal years, the multiplier is equal to the multiplier used for fiscal year 2031"

18. Page 4.
Following: line 22
Insert: "(6) The guaranteed tax base multiplier under subsection (5)(a) must be reduced by 2 percentage points following certification by the budget director of a contingency pursuant to [House Bill No. 303]:
(a) for fiscal year 2023 if the certification is made during calendar year 2021;
(b) for fiscal year 2024 if the certification is made during calendar year 2022;
(c) for fiscal year 2025 if the certification is made during calendar year 2023; and
(d) for fiscal year 2026 if the certification is made during calendar year 2024."

And, as amended, be concurred in.

HB 671, be amended as follows:

1. Title, line 5.
Following: "MATTERS;"
Insert: "REQUIRING THE OFFICE OF PUBLIC INSTRUCTION AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO COLLABORATE IN SUPPORTING SCHOOL DISTRICTS IN SEEKING REIMBURSEMENT FOR SCHOOL-BASED ELIGIBLE SERVICES UNDER MEDICAID AND THE CHILDREN'S HEALTH INSURANCE PROGRAM;"

2. Page 1, line 20.
Following: "preservation;"
Strike: "and"

3. Page 1, line 21.
Following: "academy"
Insert: "; and
(c) funding for K-12 enrollment increases"

4. Page 2.
Following: line 4
Insert: "NEW SECTION. **Section 2. Funding for school-based medical services -- duties of office of public instruction and department of public health and human services -- school-based services account.** (1) The legislature intends that the office of public instruction and department of public health and human services collaborate to facilitate school districts in securing federal reimbursements when a district provides services eligible for reimbursement under medicaid or the children's health insurance program. The legislature further intends that this collaboration minimizes to the greatest extent possible the administrative burden on school districts.

(2) The department of public health and human services shall provide necessary facilitation and technical support to the office of public instruction regarding school-based mental health services and other school-based services that may be eligible for reimbursement under medicaid or the children's health insurance program. The technical support must include:

(a) training to explain the requirements to be eligible for reimbursement under medicaid or the children's health insurance program;

(b) the establishment of provider rates for relevant services that will permit successful service delivery while adhering to the standards of the centers for medicare and medicaid services;

(c) coordination with the centers for medicare and medicaid services to ensure federal reimbursement for eligible services; and

(d) any other facilitation or support required in order to offer successful delivery of school-based mental health services and other school-based services that may be eligible for reimbursement under medicaid or the children's health insurance program while adhering to the standards of the centers for medicare and medicaid services.

(3) The office of public instruction shall provide necessary facilitation and technical support to school districts to secure reimbursement under medicaid or the children's health insurance program for school-based services, including but not limited to school mental health services. The technical support must include:

(a) training to explain the requirements to be eligible for reimbursement under medicaid or the children's health insurance program;

(b) accounting guidance and necessary support to enable districts to track the costs associated with services eligible for reimbursement under medicaid or the children's health insurance program, including any documentation required by the department of public health and human services for audit purposes; and

(c) collaboration with the department of public health and human services in communicating with school districts.

(4) There is school-based services account in the state special revenue fund provided for in 17-2-102. The account may be used by the office of public instruction in coordination with the department of public health and human services to:

(a) receive necessary matching funds from school districts seeking reimbursement under medicaid or the children's health insurance program for school-based services; and

(b) fulfill financial requirements of the centers for medicare and medicaid services for reimbursement."

Renumber: subsequent sections

5. Page 4.
Following: line 17
Insert: "NEW SECTION. **Section 6. Codification instruction**. [Section 2] is intended to be codified as an integral part of Title 20, chapter 9, part 2, and the provisions of Title 20, chapter 9, part 2, apply to [section 2]."
Renumber: subsequent sections

6. Page 4, line 19.
Strike: "4"
Insert: "5"

And, as amended, be concurred in.

HB 678, be amended as follows:

1. Title, line 8.
Following: "DONATIONS;"
Insert: "REVISING DISTRIBUTIONS OF LODGING FACILITY USE TAX PROCEEDS;"
Following: "10-3-801,"
Insert: "15-65-112,"

2. Page 7.
Following: line 25
Insert: "**Section 4.** Section 15-65-121, MCA, is amended to read:
"**15-65-121. Distribution of tax proceeds.** (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (2)(a) through ~~(2)(h)~~ (2)(i) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The department shall distribute the portion of the 4% that was

paid with federal funds to the agency that made the in-state lodging expenditure and deposit 30% of the amount deducted less the portion paid with federal funds in the state general fund. ~~The amount of $400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004.~~

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with federal funds, or deposited in the heritage preservation and development account must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, to the state-tribal economic development commission, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) 1.4% to the invasive species state special revenue account established in 80-7-1004;

(e) ~~63%~~ 60.3% to be used directly by the department of commerce;

(f) (i) except as provided in subsection (2)(f)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds $35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;

(g) 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal economic development commission established in 90-1-131 for activities in the Indian tourism region; ~~and~~

(h) 2.6% to the Montana historical interpretation state special revenue account established in 22-3-115; and

(i) 2.7% to Montana heritage preservation and development account provided for in 22-3-1004. The Montana heritage preservation and development commission shall report on the use of funds received pursuant to this subsection (2)(i) to the legislative finance committee on a semiannual basis, in accordance with 5-11-210.

(3) If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-820(5)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.
(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(c), (2)(e), and (2)(f) are statutorily appropriated to the entities as provided in 17-7-502.
(6) The tax proceeds received that are transferred to the invasive species state special revenue account pursuant to subsection (2)(d), ~~and~~ to the Montana historical interpretation state special revenue account pursuant to subsection (2)(h), and to the Montana heritage preservation and development account pursuant to subsection (2)(i) are subject to appropriation by the legislature.""
Renumber: subsequent sections

3. Page 11, line 12.
Following: "SECTION"
Strike: "4"
Insert: "5"

4. Page 11.
Following: line 22
Insert: "NEW SECTION. **Section 9. Termination**. [Section 4] terminates June 30, 2027."

And, as amended, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 178**
Report No. 001, April 21, 2021

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 178** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 178** (reference copy -- salmon) be amended as follows:

1. Title, line 6.
Following: line 5
Insert: "AMENDING SECTION 6, CHAPTER 462, LAWS OF 2009;"

2. Page 3.
Following: line 13
Insert: "**Section 2.** Section 6, Chapter 462, Laws of 2019, is amended to read:
"**Section 6. Termination.** [~~This act~~ Section 2] terminates June 30, 2023.""
Renumber: subsequent sections

For the Senate:	For the House:
Kary, Chair	Bedey, Vice Chair
Bennett	Bertoglio
Cuffe	Running Wolf

MOTIONS

Majority Leader Smith moved that **HB 235**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 522**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 704**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 191** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved the Senate appoint a **Free** Conference Committee on **SB 278** and request the House appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Hertz, Chair, and Senators Boland and Fitzpatrick.

Majority Leader Smith moved the Senate appoint a Conference Committee on **SB 40** and request the House appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Welborn, Chair, and Senators Cuffe and Ellis.

Majority Leader Smith moved the Senate appoint a **Free** Conference Committee on **SB 231** and request the House appoint a like committee. Without objection, so ordered. President Blasdel appointed President Blasdel, Chair, and Senators Boldman and Fitzpatrick.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 276**. Without objection, so ordered. President Blasdel appointed Senator McGillvray, Chair, and Senators Glimm and Gross.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 525**. Without objection, so ordered. President Blasdel appointed Senator Fitzpatrick, Chair, and Senators Jacobson and Small.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 502**. Without objection, so ordered. President Blasdel appointed Senator Howard, Chair, and Senators Gross and McGillvray.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, April 22, 2021, the seventy-fifth legislative day. Motion carried.

Senate adjourned at 3:07 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SEVENTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 22, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/22/2021

Correctly printed: **SJ 26**, **SJ 28**, **SJ 33**, **SJ 34**, **SR 93**, **SR 99**, **HB 188**, **HB 191**, **HB 235**, **HB 247**, **HB 464**, **HB 522**, **HB 624**, **HB 641**, **HB 647**, **HB 665**, **HB 689**, **HB 696**, **HB 704**.
Correctly engrossed: **HB 4**, **HB 357**, **HB 655**, **HB 663**, **HB 671**, **HB 678**, **HB 701**.
Correctly enrolled: **SB 174**, **SB 185**, **SB 199**, **SB 201**, **SB 251**, **SB 294**, **SB 327**, **SB 328**, **SB 358**, **SJ 6**, **SJ 7**, **SJ 11**, **SJ 17**.
Examined by the sponsor and found to be correct: **SB 174**, **SB 185**, **SB 199**, **SB 201**, **SB 216**, **SB 251**, **SB 257**, **SB 294**, **SB 327**, **SB 328**, **SB 358**, **SB 372**, **SJ 6**, **SJ 7**, **SJ 10**, **SJ 11**, **SJ 17**.
Transmitted to the House: **SJ 26**, **SJ 28**, **HB 8**, **HB 188**, **HB 247**, **HB 464**, **HB 624**, **HB 641**, **HB 647**, **HB 665**, **HB 689**, **HB 696**.
Signed by the Secretary of the Senate at 11:15 a.m., April 21, 2021: **SJ 5**, **SJ 19**, **SJ 21**, **SR 74**, **SR 88**, **SR 95**, **SR 97**.
Signed by the Secretary of the Senate at 1:45 p.m., April 21, 2021: **SB 247**, **SB 253**, **SB 301**, **SB 314**, **SB 337**, **SB 338**, **SB 350**, **SB 360**, **SJ 8**, **SR 98**.
Signed by the President at 6:15 a.m., April 22, 2021: **SJ 5**, **SJ 19**, **SJ 21**, **SR 74**, **SR 88**, **SR 95**, **SR 97**.
Signed by the President at 6:30 a.m., April 22, 2021: **SB 247**, **SB 253**, **SB 301**, **SB 314**, **SB 337**, **SB 338**, **SB 350**, **SB 360**, **SJ 8**, **SR 98**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Lang, Chair): 4/20/2021
SJ 27, do pass.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/22/2021
SJ 31, do pass.
SJ 32, introduced joint resolution, be amended as follows:

1. Title, line 5 through line 6.
Strike: "ON" on line 5 through "REDEVELOPMENT" on line 6
Insert: "OF LOCAL ZONING AND STATE AND LOCAL SUBDIVISION AND WATER AND

SANITATION LAWS AND REGULATORY PROCESSES AND HOW THEY AFFECT DEVELOPMENT AND THE AVAILABILITY OF WORKFORCE HOUSING"

2. Page 2, line 16.
Strike: ":"
Insert: "examine local zoning and state and local subdivision and water sanitation review laws, regulations, fees, and processes that affect development and that impact the availability of workforce housing.
BE IT FURTHER RESOLVED, that the study include review of:
(1) statutes governing county and municipal zoning;
(2) statutes governing local government and state agency subdivision review;
(3) local zoning and subdivision regulations;
(4) local growth policies and area plans;
(5) state agency and local government processes and review fees and state agency administrative rules that govern review of subdivision applications;
(6) the need for and availability of workforce housing in Montana;
(7) costs to local governments, developers, and state agencies for local and state subdivision review and how those costs affect housing prices; and
(8) ways to improve land use planning and other regulatory processes that may enhance the availability of workforce housing and other developments in a manner that protects public health, safety, and welfare and that minimizes adverse impacts to water resources, wildlife, and the natural environment.
BE IT FURTHER RESOLVED, that the study:"

3. Page 2, line 17 through line 21.
Strike: subsections (1) and (2) in their entirety
Renumber: subsequent subsections

4. Page 3, line 6 through line 8.
Following: "study" on line 6
Strike: remainder of line 6 through line 8 in their entirety
Insert: "seek information and participation from local governments, state agencies, organizations representing realtors, builders, land use planners, environmental interests, property owners, affordable housing advocates, developers, and any other person or entity that the committee considers appropriate."

And, as amended, do pass.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 306**
Report No. 001, April 21, 2021

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 306** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 306** (reference copy -- salmon) be amended as follows:

1. Page 2, line 15.
Strike: "TWO"
Insert: "three"

For the Senate:	For the House:
Lang, Chair	C. Knudsen, Vice Chair
Flowers	Farris-Olsen
Hinebauch	Phalen

SELECT COMMITTEE ON MARIJUANA LAW (Ellsworth, Chair): 4/21/2021
HB 701, be amended as follows:

The amendments are available in HB 0701.002.034.docx, and will be incorporated into the Journal.

And, as amended, be concurred in.

A printed copy of the Amendment in Context file for **HB 701**, referenced above, is attached following page 39 of this Journal.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/21/2021

SB 44, introduced by J. Esp
SB 147, introduced by M. McNally
SB 214, introduced by G. Hertz
SB 263, introduced by M. Cuffe
SB 269, introduced by B. Hoven

SB 288, introduced by W. Sales
SB 308, introduced by J. Welborn
SB 326, introduced by M. Lang
SB 370, introduced by J. Ellsworth

Senate joint resolutions concurred in and returned to the Senate: 4/21/2021

SJ 3, introduced by T. Gauthier
SJ 13, introduced by S. Hinebauch

Senate bill not concurred in and returned to the Senate: 4/21/2021

SB 361, introduced by B. Hoven

Senate amendments to House bills concurred in: 4/21/2021

HB 336, introduced by B. Ler
HB 416, introduced by D. Lenz
HB 423, introduced by D. Lenz
HB 496, introduced by B. Mercer

House joint resolutions passed and transmitted to the Senate for concurrence: 4/21/2021

HJ 27, introduced by K. Holmlund
HJ 30, introduced by L. Brewster
HJ 36, introduced by D. Fern

HB 448 - The House failed to concur in Senate amendments to **HB 448,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 448:**

4/21/2021

Representative Kassmier, Vice Chair
Representative Brewster
Representative Sullivan

HB 632 - The House failed to concur in Senate amendments to **HB 632,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 632:**

4/21/2021

Representative Garner, Vice Chair
Representative Bartel
Representative Keane

SB 191 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 191:**

4/21/2021

Representative Jones, Vice Chair
Representative Bartel
Representative Kerr-Carpenter

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 35, introduced by C. Friedel, referred to Public Health, Welfare and Safety.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 27, introduced by K. Holmlund, D. Salomon, R. Osmundson, M. Caferro, L. Jones, W. Curdy, V. Ricci, J. Schillinger, referred to Natural Resources.
HJ 30, introduced by L. Brewster, M. Bertoglio, G. Custer, D. Fern, F. Fleming, S. Galloway, S. Gist, S. Greef, S. Gunderson, D. Harvey, D. Hawk, E. Hill, M. Hopkins, S. Kerns, M. Noland, J. Schillinger, M. Thane, K. Whitman, K. Zolnikov, T. McGillvray, referred to Local Government.
HJ 36, introduced by D. Fern, M. Dunwell, T. Welch, B. Beard, B. Mitchell, S. Gist, J. Schillinger, referred to Taxation.

SPECIAL ORDERS OF THE DAY

Senator Sweeney read a Joint Proclamation of the Montana Legislature wherein the Legislature recognizes and commends the Boys & Girls Clubs of Montana and congratulates the young people who have been named Youth of the Year:

Kasey Reed, Boys and Girls Club of Yellowstone County
Victoria Rinehart, Malmstrom AFB Youth Program
Patricia Morsette, HELP Committee and Boys & Girls Club of the Hi-Line
Lillian Leininger, Boys & Girls Club of Southwest Montana

Signed:

Mark Blasdel, President of the Senate	E. Wylie Galt, Speaker of the House
Cary Smith, Senate Majority Leader	Sue Vinton, House Majority Leader
Jill Cohenour, Senate Minority Leader	Kim Abbott, House Minority Leader

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 8 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 247 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 464 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None
Total 0

HB 624 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber.
Total 27

Nays: Brown, Cuffe, Ellsworth, Esp, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 641 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 647 concurred in as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hinebauch, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McGillvray, McNally, Morigeau, O'Brien, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Welborn.
Total 33

Nays: Ankney, Cohenour, Ellis, Ellsworth, Gross, Hertz, Hoven, Keenan, McClafferty, Molnar, Osmundson, Pomnichowski, Pope, Sands, Vance, Webber, Mr. President.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 665 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney.

Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 689 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 696 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 39, **Conference Committee Report No. 1**, **not** adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 108, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No, made by Senator Jacobson under Motions.

SB 184, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 287, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 363, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 47

Nays: Cohenour, O'Brien, Webber.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 367, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Esp, Howard, Keenan, Smith C.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 16, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 26 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Webber, Welborn, Mr. President.
Total 39

Nays: Cuffe, Ellsworth, Esp, Glimm, Hinebauch, Howard, Keenan, Lang, Osmundson, Tempel, Vance.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 28 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Welborn, Mr. President.
Total 45

Nays: Hoven, Lang, Molnar, Tempel, Webber.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 188 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Glimm in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 620, **HB 591**, **SB 300** - Majority Leader Smith moved consideration of **HB 620**, **HB 691,** and **SB 300** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 702 - Majority Leader Smith moved consideration of **HB 702** be placed as item #3 on the second reading board. Without objection, so ordered.

HB 367 - Senator Brown moved **HB 367** be concurred in.

HB 367 - Senator Jacobson moved **HB 367**, second reading copy, be amended as follows:

1. Title, line 12.
Strike: "RIGHTS"
Insert: "OPPORTUNITY"

2. Title, line 12.
Strike: "HUNT, FISH, TRAP, AND"
Following: "WILDLIFE"
Insert: "THROUGH HUNTING, FISHING, AND TRAPPING"

3. Title, line 13 through line 17.
Strike: "ESTABLISHING" on line 13 through "RIGHTS;" on line 17

4. Page 1, line 19.
Strike: "; and"
Insert: "."

5. Page 1, line 20 through page 2, line 17.
Strike: "WHEREAS" on page 1, line 20 through "wildlife." on page 2, line 17

6. Page 2, line 21 through page 3, line 3.
Strike: section 1 in its entirety
Insert: "**Section 1.** Article IX, section 7, of The Constitution of the State of Montana is amended to read:
"**Section 7. Preservation of harvest heritage.** The opportunity to harvest wild fish and ~~wild game animals~~ wildlife through hunting, fishing, and trapping is a heritage that shall forever be preserved to the individual citizens of the state and does not create a right to trespass on private property or diminution of other private rights.""

Amendment **not** adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Webber, Welborn.
Total 25

Nays: Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Smith C, Tempel, Vance, Mr. President.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 367 - Thereupon, the Senate reverted to the original motion of Senator Brown which passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Hoven, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 681 - Senator Gillespie moved **HB 681** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 49

Nays: Vance.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 702 - Senator McGillvray moved **HB 702** be concurred in.

HB 702 - Senator Lynch moved **HB 702**, second reading copy, be amended as follows:

1. Title, line 10 through line 11.
Strike: "OR" on line 10 through "APPROPRIATION" on line 11

2. Title, line 11.
Following: "APPROPRIATION;"
Insert: "PROHIBITING GOVERNMENTAL ENTITIES AND EMPLOYERS FROM REQUIRING A PERSON TO RECEIVE A VACCINE THAT IS NOT FEDERALLY APPROVED;"

3. Page 1, line 13 through line 18.
Strike: line 13 through line 18 in their entirety

4. Page 1, line 22 through line 23.
Strike: "**status**" on line 22 through "**definitions**" on line 23

5. Page 1, line 23.
Following: "definitions."
Strike: "(1)"

6. Page 1, line 24.
Strike: "(a)"
Insert: "(1)"

7. Page 1, line 24 through line 27.
Following: the first "to" on line 24
Insert: "require a person to receive a vaccine that is not approved by the United States food and drug administration"
Strike: "refuse," on line 24 through "passport" on line 27

8. Page 1, line 28.
Strike: "(b)"
Insert: "(2)"

9. Page 2, line 2 through line 4.
Following: "person's" on line 2
Insert: "refusal to receive a vaccine that has not been approved by the United States food and drug administration."
Strike: remainder of line 2 through line 4 in their entirety

10. Page 2, line 9 through line 13.
Strike: subsection (2) in its entirety

11. Page 2, line 15 through line 22
Strike: section 2 in its entirety

Renumber: subsequent sections

12. Page 3, line 3.
Following: "date."
Strike: "(1) Except as provided in subsection (2), [this act]"
Insert: "[This act]"

13. Page 3, line 5.
Strike: subsection (2) in its entirety

Amendment instruction #11 was segregated and excluded from Senator Lynch's motion.

Amendment **not** adopted as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn.
Total 25

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Tempel, Vance, Mr. President.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 702 - Senator Hertz moved **HB 702**, second reading copy, be amended as follows:

1. Page 2, line 9.
Following: "~~(3)(2)~~(3)"
Insert: "A person, governmental entity, or an employer does not unlawfully discriminate under this section if they recommend that an employee receive a vaccine.
(4) An individual may not be required to receive any vaccine whose use is allowed under an emergency use authorization or any vaccine undergoing safety trials.
(5)"

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 702 - Senator Molnar moved **HB 702**, second reading copy, be further amended as follows:

1. Title, line 10.
Following: "PASSPORT;"
Insert: "PROVIDING AN EXCEPTION;"

2. Page 1, line 23.
Strike: "It"
Insert: "Except as provided in subsection (2), it"

3. Page 2.
Following: line 8
Insert: "(2) This section does not apply to vaccination requirements set forth for schools pursuant to Title 20, chapter 5, part 4, or day-care facilities pursuant to Title 52, chapter 2, part 7."
Renumber: subsequent subsections

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Esp, Flowers, Gross, Hoven, Jacobson, Keenan, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 29

Nays: Bogner, Cuffe, Ellsworth, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Mr. President.

Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 702 - As amended, **HB 702** was concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 660 - Senator Osmundson moved **HB 660** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 48

Nays: Keenan, Vance.
Total 2

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 593 - Senator Ellsworth moved **HB 593** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 40

Nays: Cohenour, Gross, Hoven, Jacobson, Lynch, Morigeau, Pomnichowski, Pope, Sweeney, Webber.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 606 - Senator Small moved **HB 606** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Cohenour, Ellis, Pomnichowski.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 112 - **Conference Committee Report No. 1** - Senator K. Regier moved the Conference Committee report to **HB 112** be adopted. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Mr. President.
Total 27

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber, Welborn.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 637 - Senator Brown moved **HB 637** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No, made by Senator Sands under Motions.

HB 658 - Senator Esp moved **HB 658** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Keenan, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes, made by Senator Sweeney under Motions.

HB 709 - Senator Sands moved **HB 709** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 325 - Senator Brown moved **HB 325** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 694 - Senator Friedel moved **HB 694** be concurred in.

HB 694 - Senator Kary moved **HB 694**, second reading copy, be amended as follows:

1. Title, line 14.
Following: "PENALTIES;"
Insert: "PROVIDING THAT DIRECTORS APPOINTED TO A COUNTY WATER AND/OR SEWER BOARD MUST SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY; ALLOWING A COUNTY OR MUNICIPALITY TO APPOINT DIRECTORS FOR VACANT SEATS ON A DISTRICT BOARD OF DIRECTORS;"

2. Title, line 16.
Strike: "SECTION"
Insert: "SECTIONS 7-13-2232, 7-13-2259, 7-13-2262, AND"

4. Page 3.
Following: line 8
Insert: "**Section 3.** Section 7-13-2232, MCA, is amended to read:
"7-13-2232. Composition of board of directors. (1) If there are no municipalities within the boundaries of said district, the board of directors shall consist of five members or three members if there are 10 or less qualified electors in the district.
(2) In all cases where the boundaries of such a district include any municipality or municipalities, said the board, in addition to said the five or three directors to be elected as aforesaid provided in subsection (1), shall must consist of one additional director for each of said the municipalities within such the district, each such. Each additional director to must be appointed by the mayor of the municipality for which said the additional director is allowed, and, if there be is any unincorporated territory within said the district, one additional director to must be appointed by the board of county commissioners of each county containing such with unincorporated territory.
(3) All appointed directors serve at the pleasure of the appointing authority.""

Insert: "**Section 4.** Section 7-13-2259, MCA, is amended to read:
"7-13-2259. Manner of making appointments. (1) The mode of appointment of director or directors by a mayor or by a board of county commissioners shall be by certificate of appointment signed by said mayor or issued by said board of county commissioners and transmitted to the board of directors of said district.
(2) All appointed directors serve at the pleasure of the appointing authority.""
Insert: "**Section 5.** Section 7-13-2262, MCA, is amended to read:
"7-13-2262. Vacancies on board of directors -- appointment. (1) (a) Except as provided in subsections (2) and (3), any vacancy in the board of directors, whether the vacant office is elective or appointive, must be filled by majority vote of the remaining directors.
(b) A vacancy in the board of directors, whether it is elective or appointive, must be determined in accordance with 7-13-2263 and must be filled as provided in subsections (2) and (3).
(2) (a) If a vacancy occurs on the board of directors for a seat originally filled as provided in 7-13-2232(1), the remaining directors may appoint a replacement director by majority vote.
(b) If there are no directors remaining on the board and no nominees for any director position to be elected, the county commissioners may appoint the number of directors specified in 7-13-2232(1). If the district lies in more than one county, the county commissioners of each county with territory included in the district shall jointly appoint the directors. The county commissioners shall stagger the terms of the directors appointed.
(c) If the boundaries of the district include any unincorporated territory and the seat held by a board member originally appointed by the board of county commissioners under 7-13-2232(2) becomes vacant, the board shall allow the replacement director to be appointed by the board of county commissioners of each county containing the unincorporated territory.
(3) If the boundaries of the district include any municipality or municipalities and a new board must be appointed as provided in subsection (2), the seat held by the board member originally appointed by the mayor of a municipality as provided in 7-13-2232(2) becomes vacant, the board shall include one additional allow the replacement director to be appointed by the mayor of the municipality for which the additional director is allowed.
(4) Following the appointment of a board director in accordance with subsection (2) subsections (2)(a) and (2)(b), the directors director must be elected as provided in this part.
(5) All appointed directors serve at the pleasure of the appointing authority.""
Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Ankney, Bogner, Cuffe, Ellsworth, Friedel, Gillespie, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, McGillvray, Molnar, Salomon, Small, Smith C, Tempel, Vance.
Total 19

Nays: Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Glimm, Gross, Jacobson, Keenan, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Sands, Sweeney, Webber, Welborn, Mr. President.
Total 31

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 694 - Thereupon, the Senate reverted to the original motion of Senator Friedel which **failed** as follows:

Yeas: Ellis, Ellsworth, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, McGillvray, Salomon, Smith C, Mr. President.
Total 14

Nays: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Esp, Fitzpatrick, Flowers, Fox, Gross, Hoven, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn.
Total 36

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 694 - Majority Leader Smith moved **HB 694** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Friedel, Hertz, Kary, Morigeau, Smith C.
Total 5

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 648 - Senator Ankney moved **HB 648** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 158 - Senator Molnar moved **HB 158** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 42

Nays: Boland, Cohenour, Fox, Morigeau, Pomnichowski, Sands, Webber.
Total 7

Voted absentee: None.

Excused: O'Brien.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes, made by Senator Gross under Motions.
Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Glimm moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Fox, Gross, Jacobson, Kary, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate recessed at 3:24 p.m. for committee meetings. Senate reconvened at 4:33 p.m., President Blasdel in the chair.

Senators Cuffe, Ellsworth, Gross and Hertz excused.

MOTIONS

Majority Leader Smith moved that **HB 661** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 637**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 660**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 681**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Glimm in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 625 - Senator McGillvray moved **HB 625** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Cuffe, Ellsworth, Gross, Hertz, Aye.

Excused: Cuffe, Ellsworth, Gross, Hertz.
Total 4

Absent or not voting: None.
Total 0

SB 354 - **Free Conference Committee Report No. 1** - Senator Hinebauch moved the Free Conference Committee report to **SB 354** be adopted. Motion **failed** as follows:

Yeas: Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, Osmundson, Regier K, Sales, Smith C, Tempel, Vance, Mr. President.
Total 22

Nays: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Friedel, Gross, Hoven, Jacobson, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Webber, Welborn.
Total 28

Voted absentee: Cuffe, Ellsworth, Aye; Gross, No.

Excused: Cuffe, Ellsworth, Gross.
Total 3

Absent or not voting: None.
Total 0

Senator Hertz present at this time.

HB 72 - Senator Sales moved **HB 72** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Hoven, Regier K.
Total 2

Voted absentee: Cuffe, Ellsworth, Gross, Aye.

Excused: Cuffe, Ellsworth, Gross.
Total 3

Absent or not voting: None.
Total 0

HB 635 - Senator Kary moved **HB 635** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Cuffe, Ellsworth, Aye; Gross, No.

Excused: Cuffe, Ellsworth, Gross.
Total 3

Absent or not voting: None.
Total 0

HB 651 - Senator Osmundson moved **HB 651** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 21

Voted absentee: Cuffe, Ellsworth, Aye; Gross, No.

Excused: Cuffe, Ellsworth, Gross.
Total 3

Absent or not voting: None.
Total 0

HB 667 - Senator O'Brien moved **HB 667** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Cuffe, Ellsworth, Gross, Aye.

Excused: Cuffe, Ellsworth, Gross.
Total 3

Absent or not voting: None.
Total 0

SJ 18 - **House Amendments** - Senator Gillespie moved House amendments to **SJ 18** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Cuffe, Ellsworth, Aye; Gross, No.

Excused: Cuffe, Ellsworth, Gross.
Total 3

Absent or not voting: None.
Total 0

SB 87 - **House Amendments** - Senator Ankney moved House amendments to **SB 87** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 42

Nays: Bennett, Boland, Cohenour, Gross, Morigeau, O'Brien, Pomnichowski, Webber.
Total 8

Voted absentee: Cuffe, Ellsworth, Aye; Gross, No.

Excused: Cuffe, Ellsworth, Gross.
Total 3

Absent or not voting: None.
Total 0

SB 142 - **House Amendments** - Senator Bogner moved House amendments to **SB 142** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, Molnar,

Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Cuffe, Ellsworth, Aye; Gross, No.

Excused: Cuffe, Ellsworth, Gross.
Total 3

Absent or not voting: None.
Total 0

SB 149 - **House Amendments** - Senator McGillvray moved House amendments to **SB 149** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Cuffe, Ellsworth, Aye; Gross, No.

Excused: Cuffe, Ellsworth, Gross.
Total 3

Absent or not voting: None.
Total 0

SB 224 - **House Amendments** - Senator Fitzpatrick moved House amendments to **SB 224** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: Cuffe, Ellsworth, Aye; Gross, No.

Excused: Cuffe, Ellsworth, Gross.
Total 3

Absent or not voting: None.
Total 0

SB 272 - **House Amendments** - Senator Vance moved House amendments to **SB 272** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Cuffe, Ellsworth, Gross, Aye.

Excused: Cuffe, Ellsworth, Gross.
Total 3

Absent or not voting: None.
Total 0

Senator Gross present at this time.

SB 284 - **House Amendments** - Senator Tempel moved House amendments to **SB 284** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, O'Brien, Osmundson, Pomnichowski, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 40

Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Fox, McNally, Morigeau, Pope, Webber.
Total 10

Voted absentee: Cuffe, Ellsworth, Aye.

Excused: Cuffe, Ellsworth.
Total 2

Absent or not voting: None.
Total 0

President Blasdel assumed the chair.

HB 620 - Senator Glimm moved **HB 620** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Cuffe, Ellsworth, Aye.

Excused: Cuffe, Ellsworth.
Total 2

Absent or not voting: None.
Total 0

HB 691 - Senator Glimm moved **HB 691** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Cuffe, Ellsworth, Aye.

Excused: Cuffe, Ellsworth.
Total 2

Absent or not voting: None.
Total 0

SB 300 - **Free Conference Committee Report No. 1** - Senator Glimm moved the Free Conference Committee report to **SB 300** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Gross, Jacobson, Lynch.
Total 3

Voted absentee: Cuffe, Ellsworth, Aye.

Excused: Cuffe, Ellsworth.
Total 2

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report.** Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Glimm moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Ellis, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Fox, Gross, McNally, Morigeau, Pomnichowski, Pope, Sands, Webber.
Total 13

Voted absentee: None.

Excused: Cuffe, Ellsworth.
Total 2

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/21/2021
SJ 30, do pass.

Without objection, the committee report was adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 502**
Report No. 001, April 22, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 502** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 502** (reference copy -- salmon) be amended as follows:

1. Title, line 7.
Following: "PARENT;"
Strike: "AND"

2. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2.
Following: line 25
Insert: "(b) An adoption in which an attorney or health care provider assists as allowed under subsection (2)(a) must comply with the provisions of Title 42 and this chapter."
Renumber: subsequent subsections

4. Page 2.
Following: line 28

Insert: "NEW SECTION. **Section 3.** {standard} **Effective date**. [This act] is effective on passage and approval."

For the Senate:	For the House:
Howard, Chair	Sheldon-Galloway, Vice Chair
Gross	Bishop
McGillvray	Lenz

Without objection, the select committee report was adopted.

MOTIONS

Majority Leader Smith moved the Senate **suspend rules S40-40, S50-190, S40-60, and Joint rule 40-150** through the end of the legislative session for the purpose of expediting movement of bills. Without objection, so ordered.

Majority Leader Smith moved that **HB 651**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved that **HB 72**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 448**. Without objection, so ordered. President Blasdel appointed Senator Ankney, Chair, and Senators Pope and Tempel.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 632**. Without objection, so ordered. President Blasdel appointed Senator Osmundson, Chair, and Senators Cuffe and Lynch.

Senator Cohenour moved to dissolve the **Free** Conference Committee on **SB 354**. Motion **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney.
Total 18

Nays: Ankney, Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 31

Voted absentee: None.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

Senator Jacobson moved to change his third reading vote on **SB 108** from Yes to No. Without objection, so ordered.

Senator Sands moved to change her second reading vote on **HB 637** from Yes to No. Without objection, so ordered.

Senator Gross moved to change her second reading vote on **HB 158** from No to Yes. Without objection, so ordered.

Senator Sweeney moved to change his second reading vote on **HB 658** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Friday, April 23, 2021, the seventy-sixth legislative day. Motion carried.

Senate adjourned at 5:53 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SEVENTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 23, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/23/2021

Correctly printed: **SJ 27**, **SJ 30**, **SJ 31**, **SJ 35**, **SR 47**, **SR 50**, **HB 4**, **HB 72**, **HB 158**, **HB 235**, **HB 325**, **HB 330**, **HB 357**, **HB 367**, **HB 403**, **HB 522**, **HB 530**, **HB 593**, **HB 606**, **HB 620**, **HB 625**, **HB 629**, **HB 637**, **HB 648**, **HB 651**, **HB 655**, **HB 658**, **HB 660**, **HB 663**, **HB 667**, **HB 671**, **HB 678**, **HB 681**, **HB 691**, **HB 693**, **HB 704**, **HB 709**, **HJ 30**.
Correctly engrossed: **HB 279**, **HB 686**, **HB 693**, **HB 695**, **HB 701**, **HB 702**, **SJ 31**, **SJ 32**.
Correctly enrolled: **SB 233**.
Transmitted to the House: **SJ 31**, **HB 4**, **HB 158**, **HB 325**, **HB 330**, **HB 357**, **HB 403**, **HB 593**, **HB 606**, **HB 620**, **HB 625**, **HB 648**, **HB 655**, **HB 658**, **HB 663**, **HB 667**, **HB 671**, **HB 678**, **HB 691**, **HB 693**, **HB 701**, **HB 702**, **HB 709**.
Signed by the Secretary of the Senate at 11:00 a.m., April 21, 2021: **SB 47**, **SB 63**, **SB 99**, **SB 106**, **SB 121**, **SB 136**, **SB 157**, **SB 163**, **SB 166**, **SB 167**, **SB 190**, **SB 206**, **SB 223**, **SB 238**, **SB 239**, **SB 248**, **SB 258**, **SB 261**, **SB 265**, **SB 266**, **SB 270**, **SB 280**, **SB 283**, **SB 286**, **SB 302**, **SB 307**, **SB 309**, **SB 345**, **SB 348**, **SB 351**, **SB 364**.
Signed by the Secretary of the Senate at 2:00 p.m., April 22, 2021: **SB 201**, **SB 216**, **SB 251**, **SB 257**, **SB 372**, **SJ 6**, **SJ 7**, **SJ 10**, **SJ 17**.
Signed by the Secretary of the Senate at 2:55 p.m., April 22, 2021: **SB 174**, **SB 185**, **SB 199**, **SB 294**, **SB 328**, **SB 358**, **SJ 11**.
Signed by the President at 6:45 a.m., April 22, 2021: **SB 47**, **SB 63**, **SB 99**, **SB 106**, **SB 121**, **SB 136**, **SB 157**, **SB 163**, **SB 166**, **SB 167**, **SB 190**, **SB 206**, **SB 223**, **SB 238**, **SB 239**, **SB 258**, **SB 261**, **SB 265**, **SB 266**, **SB 270**, **SB 280**, **SB 283**, **SB 286**, **SB 302**, **SB 307**, **SB 309**, **SB 345**, **SB 348**, **SB 351**, **SB 364**.
Signed by the President at 10:30 a.m., April 22, 2021: **SB 248**.
Signed by the President at 6:00 a.m., April 23, 2021: **SB 174**, **SB 185**, **SB 199**, **SB 201**, **SB 216**, **SB 251**, **SB 257**, **SB 294**, **SB 328**, **SB 358**, **SB 372**, **SJ 6**, **SJ 7**, **SJ 10**, **SJ 11**, **SJ 17**.
Signed by the Speaker at 8:00 a.m., April 23, 2021: **SJ 5**, **SJ 8**, **SJ 19**, **SJ 21**.
Signed by the Speaker at 8:05 a.m., April 23, 2021: **SB 247**, **SB 253**, **SB 301**, **SB 314**, **SB 337**, **SB 338**, **SB 350**, **SB 360**.
Signed by the Speaker at 8:15 a.m., April 23, 2021: **SB 47**, **SB 63**, **SB 83**, **SB 99**, **SB 106**, **SB 121**, **SB 136**, **SB 157**, **SB 163**, **SB 166**, **SB 167**, **SB 190**, **SB 206**, **SB 223**, **SB 238**, **SB 239**, **SB 248**, **SB 258**, **SB 261**, **SB 265**, **SB 266**, **SB 270**, **SB 280**, **SB 283**, **SB 286**, **SB 302**, **SB 307**, **SB 309**, **SB 345**, **SB 348**, **SB 351**, **SB 364**.

Signed by the Speaker at 12:30 p.m., April 23, 2021: **SB 174**, **SB 185**, **SB 199**, **SB 201**, **SB 216**, **SB 251**, **SB 257**, **SB 294**, **SB 328**, **SB 358**, **SB 372**, **SJ 6**, **SJ 7**, **SJ 10**, **SJ 11**, **SJ 17**.
Delivered to the Secretary of State at 8:54 a.m., April 23, 2021: **SR 74**, **SR 88**, **SR 95**, **SR 97**, **SR 98**.
Delivered to the Secretary of State at 11:43 a.m., April 23, 2021: **SJ 5**, **SJ 8**, **SJ 19**, **SJ 21**.
Delivered to the Governor for information April 23, 2021: **SR 74**, **SR 88**, **SR 95**, **SR 98**.
Delivered to the Governor for signature at 11:20 a.m., April 23, 2021: **SB 47**, **SB 63**, **SB 83**, **SB 99**, **SB 106**, **SB 121**, **SB 136**, **SB 157**, **SB 163**, **SB 166**, **SB 167**, **SB 190**, **SB 206**, **SB 223**, **SB 238**, **SB 239**, **SB 247**, **SB 248**, **SB 253**, **SB 258**, **SB 261**, **SB 265**, **SB 266**, **SB 270**, **SB 280**, **SB 283**, **SB 286**, **SB 301**, **SB 302**, **SB 307**, **SB 309**, **SB 314**, **SB 337**, **SB 338**, **SB 345**, **SB 348**, **SB 350**, **SB 351**, **SB 360**, **SB 364**.
Delivered to the Governor for signature at 4:20 p.m., April 23, 2021: **SB 174**, **SB 185**, **SB 199**, **SB 201**, **SB 216**, **SB 251**, **SB 257**, **SB 294**, **SB 328**, **SB 358**, **SB 372**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/22/2021
HB 279, be amended as follows:

1. Title, line 13.
Following: "PROGRAM;"
Insert: "STREAMLINING THE DONATION PROCESS FOR THE INNOVATIVE EDUCATION PROGRAM;"

2. Title, line 15.
Following: "15-30-3110,"
Strike: "AND"
Following: "15-30-3111,"
Insert: "AND 15-30-3113,"

3. Title, line 16.
Following: "2015;"
Insert: "REPEALING SECTIONS 20-9-901, 20-9-902, 20-9-903, 20-9-904, 20-9-905, AND 20-9-906, MCA; REPEALING SECTIONS 24, 25, 26, AND 27, CHAPTER 457, LAWS OF 2015;"

4. Title, line 16 through line 17.
Strike: "AN" on line 16 through "TERMINATION DATE" on line 17
Insert: "EFFECTIVE DATES, APPLICABILITY DATES, AND TERMINATION DATES"

5. Page 1, line 24.
Strike: "contributions"
Insert: "donations"

6. Page 2.

Following: line 2
Insert: "(2) "Donation" means a gift of cash."

7. Page 2, line 3.
Strike: "(2)"
Insert: "(3)"

8. Page 2, line 5 through line 6.
Strike: subsections (3) and (4) in their entirety
Insert: "(4) "Innovative educational program" includes any of the following:
(a) transformational learning as defined in 20-7-1602;
(b) advanced opportunity as defined in 20-7-1503;
(c) any program, service, instructional methodology, or adaptive equipment used to expand opportunity for a child with a disability as defined in 20-7-401;
(d) any courses provided through work-based learning partnerships or for postsecondary credit or career certification; and
(e) technology enhancements, including but not limited to any expenditure incurred for purposes specified in 20-9-533."

9. Page 2, line 28.
Strike: "contributions"
Insert: "donations"

10. Page 3, line 10.
Strike: "contributions"
Insert: "donations"

11. Page 3, line 13.
Strike: "contributions"
Insert: "donations"

12. Page 3, line 14.
Strike: "contributions"
Insert: "donations"

13. Page 3, line 15.
Strike: "contribution"
Insert: "donation"

14. Page 5, line 5 through line 6.
Strike: "the educational" on line 5 through "20-9-905" on line 6
Insert: "a school district"

15. Page 5, line 6.
Strike: "public schools"

Insert: "the school district"

16. Page 5, line 7 through line 8.
Strike: "and technology" on line 7 through "20-9-904(2)(b)" on line 8

17. Page 5, line 9.
Strike: "$200,000"
Insert: "$150"

18. Page 5, line 9.
Following: "$150."
Insert: "A district shall deposit a donation made for an innovative educational program into the district's miscellaneous programs fund and shall limit the expenditure of the donation to expenditures for innovative educational programs of the district."

19. Page 5, line 16 through line 18.
Strike: "but may" on line 16 through "succeeding tax year" on line 18

20. Page 5, line 18.
Following: "year."
Insert: "There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method."

21. Page 5, line 22.
Strike: "2021"
Insert: "2022"

22. Page 5, line 22.
Strike: "2022"
Insert: "2023"

23. Page 5, line 24.
Strike: "2022"
Insert: "2023"

24. Page 6, line 15 through line 17.
Strike: "After" on line 15 through "donation." on line 17
Insert: "(a) On receiving a donation under this part, a school district shall seek preapproval, in a manner prescribed by the department, that the amount of tax credit sought by the taxpayer is available under the aggregate limit under subsection (4).
(b) On preapproval by the department, a school district shall issue a receipt, in a form prescribed by the department, to each contributing taxpayer indicating the value of the donation received and preapproval of the tax credit.
(c) A taxpayer shall provide a copy of the receipt when claiming the tax credit."

25. Page 6.
Following: line 18
Insert: "**Section 7.** Section 15-30-3110, MCA, is amended to read:

"**15-30-3110. (Temporary) Credit for providing supplemental funding to public schools -- innovative educational program.** (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to the educational improvement account provided for in 20-9-905 for the purpose of providing supplemental funding to public schools for innovative educational programs and technology deficiencies. The taxpayer may direct the donation to a geographic region or a large district as provided in 20-9-904(2)(b). The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~$150~~ $200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

(b) A donation by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is $3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if $3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in donations was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).

(b) The department shall approve the amount of donations for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

(a) claiming a credit under this section instead of a deduction; or

(b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.

~~(7)~~(6) After consultation with the superintendent of public instruction, the department may develop

an internet-based registration system that provides taxpayers with the opportunity to obtain preapproval for a tax credit before making a donation. (Terminates December 31, ~~2023~~ 2029~~--sec. 33, Ch. 457, L. 2015~~.)""

Insert: "**Section 8.** Section 15-30-3110, MCA, is amended to read:

"**15-30-3110. (Temporary) Credit for providing supplemental funding to public schools -- innovative educational program.** (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to the educational improvement account provided for in 20-9-905 for the purpose of providing supplemental funding to public schools for innovative educational programs and technology deficiencies. The taxpayer may direct the donation to a geographic region or a large district as provided in 20-9-904(2)(b). The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~$150~~ $200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

(b) A donation by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is $3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if $3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in donations was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).

(b) The department shall approve the amount of donations for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

(a) claiming a credit under this section instead of a deduction; or

(b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.

~~(7)~~(6) After consultation with the superintendent of public instruction, the department may develop an internet-based registration system that provides taxpayers with the opportunity to obtain preapproval for a tax credit before making a donation. (Terminates December 31, ~~2023~~ 2029~~--sec. 33, Ch. 457, L. 2015~~.)""

Insert: "**Section 9.** Section 15-30-3110, MCA, is amended to read:

"**15-30-3110. (Temporary) Credit for providing supplemental funding to public schools -- innovative educational program.** (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to the educational improvement account provided for in 20-9-905 for the purpose of providing supplemental funding to public schools for innovative educational programs and technology deficiencies. The taxpayer may direct the donation to a geographic region or a large district as provided in 20-9-904(2)(b). The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~$150~~ $200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

(b) A donation by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is $3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if $3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in donations was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).

(b) The department shall approve the amount of donations for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

(a) claiming a credit under this section instead of a deduction; or

(b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount

for which the credit is allowed under this section.

~~(7)~~(6) After consultation with the superintendent of public instruction, the department may develop an internet-based registration system that provides taxpayers with the opportunity to obtain preapproval for a tax credit before making a donation. (Terminates December 31, ~~2023~~ 2029~~--sec. 33, Ch. 457, L. 2015~~.)""

Insert: "**Section 10.** Section 15-30-3110, MCA, is amended to read:

"**15-30-3110. (Temporary) Credit for providing supplemental funding to public schools -- innovative educational program.** (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to the educational improvement account provided for in 20-9-905 for the purpose of providing supplemental funding to public schools for innovative educational programs and technology deficiencies. The taxpayer may direct the donation to a geographic region or a large district as provided in 20-9-904(2)(b). The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~$150~~ $200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

(b) A donation by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is $3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if $3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in donations was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).

(b) The department shall approve the amount of donations for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

(a) claiming a credit under this section instead of a deduction; or

(b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.

~~(7)~~(6) After consultation with the superintendent of public instruction, the department may develop an internet-based registration system that provides taxpayers with the opportunity to obtain preapproval for a tax credit before making a donation. (Terminates December 31, ~~2023~~ 2029~~--sec. 33, Ch. 457, L. 2015~~.)""

Insert: "**Section 11.** Section 15-30-3110, MCA, is amended to read:

"**15-30-3110. (Temporary) Credit for providing supplemental funding to public schools -- innovative educational program.** (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to the educational improvement account provided for in 20-9-905 for the purpose of providing supplemental funding to public schools for innovative educational programs and technology deficiencies. The taxpayer may direct the donation to a geographic region or a large district as provided in 20-9-904(2)(b). The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~$150~~ $200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

(b) A donation by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is $3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if $3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in donations was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).

(b) The department shall approve the amount of donations for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

(a) claiming a credit under this section instead of a deduction; or
(b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.
~~(7)~~(6) After consultation with the superintendent of public instruction, the department may develop an internet-based registration system that provides taxpayers with the opportunity to obtain preapproval for a tax credit before making a donation. (Terminates December 31, ~~2023~~ 2029~~--sec. 33, Ch. 457, L. 2015~~.)""
Renumber: subsequent sections

26. Page 6, line 20.
Strike: "**contributions**"
Insert: "**donations**"

27. Page 6, line 23.
Strike: "contributions"
Insert: "donations"

28. Page 6, line 25.
Strike: "$200,000"
Insert: "$150"

29. Page 7, line 1.
Strike: "contribution"
Insert: "donation"

30. Page 7, line 4 through line 6.
Strike: "but" on line 4 through "succeeding tax year" on line 6

31. Page 7, line 6.
Following: "year."
Insert: "There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method."

32. Page 7, line 10.
Strike: "2021"
Insert: "2022"

33. Page 7, line 10.
Strike: "2022"
Insert: "2023"

34. Page 7, line 12.
Strike: "2022"
Insert: "2023"

35. Page 8.
Following: line 13
Insert: "**Section 13.** Section 15-30-3111, MCA, is amended to read:

"**15-30-3111. (Temporary) Qualified education tax credit for contributions to student scholarship organizations.** (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to a student scholarship organization. The donor may not direct or designate contributions to a parent, legal guardian, or specific qualified education provider. The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~$150~~ $200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

(b) A contribution by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is $3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if $3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in tax credits was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).

(b) The department shall approve the amount of tax credits for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

(a) claiming a credit under this section instead of a deduction; or

(b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.

~~(7)~~(6) The department may develop an internet-based registration system that provides donors with the opportunity to obtain preapproval for a tax credit before making a contribution.

(Terminates December 31, ~~2023~~ 2029~~--sec. 33, Ch. 457, L. 2015~~.)""

Insert: "**Section 14.** Section 15-30-3111, MCA, is amended to read:

"**15-30-3111. (Temporary) Qualified education tax credit for contributions to student scholarship organizations.** (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to a student scholarship organization. The donor may not direct or designate contributions to a parent, legal guardian, or specific qualified education provider. The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~$150~~ $200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

(b) A contribution by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is $3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if $3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in tax credits was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).

(b) The department shall approve the amount of tax credits for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

(a) claiming a credit under this section instead of a deduction; or

(b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.

~~(7)~~(6) The department may develop an internet-based registration system that provides donors with the opportunity to obtain preapproval for a tax credit before making a contribution. (Terminates December 31, ~~2023~~ 2029~~--sec. 33, Ch. 457, L. 2015~~.)""

Insert: "**Section 15.** Section 15-30-3111, MCA, is amended to read:

"**15-30-3111. (Temporary) Qualified education tax credit for contributions to student scholarship organizations.** (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to a student scholarship organization. The donor may not direct or designate contributions to a parent, legal guardian, or specific qualified education provider. The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~$150~~ $200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

(b) A contribution by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is $3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if $3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in tax credits was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).

(b) The department shall approve the amount of tax credits for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

(a) claiming a credit under this section instead of a deduction; or

(b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.

~~(7)~~(6) The department may develop an internet-based registration system that provides donors with the opportunity to obtain preapproval for a tax credit before making a contribution. (Terminates December 31, ~~2023~~ 2029~~--sec. 33, Ch. 457, L. 2015~~.)""

Insert: "**Section 16.** Section 15-30-3111, MCA, is amended to read:

"**15-30-3111. (Temporary) Qualified education tax credit for contributions to student scholarship organizations.** (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is

allowed a credit against the tax imposed by chapter 30 or 31 for donations made to a student scholarship organization. The donor may not direct or designate contributions to a parent, legal guardian, or specific qualified education provider. The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~$150~~ $200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

(b) A contribution by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is $3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if $3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in tax credits was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4)(a)(ii).

(b) The department shall approve the amount of tax credits for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

(a) claiming a credit under this section instead of a deduction; or

(b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.

~~(7)~~(6) The department may develop an internet-based registration system that provides donors with the opportunity to obtain preapproval for a tax credit before making a contribution. (Terminates December 31, ~~2023~~ 2029~~--sec. 33, Ch. 457, L. 2015~~.)""

Insert: "**Section 17.** Section 15-30-3111, MCA, is amended to read:

"**15-30-3111. (Temporary) Qualified education tax credit for contributions to student scholarship organizations.** (1) Subject to subsection ~~(5)~~ (4), a taxpayer or corporation is allowed a credit against the tax imposed by chapter 30 or 31 for donations made to a student scholarship organization. The donor may not direct or designate contributions to

a parent, legal guardian, or specific qualified education provider. The amount of the credit allowed is equal to the amount of the donation, not to exceed ~~$150~~ $200,000.

(2) (a) If the credit allowed under this section is claimed by a small business corporation, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

(b) A contribution by an estate or trust qualifies for the credit. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Montana income tax purposes.

(3) The credit allowed under this section may not exceed the taxpayer's income tax liability but may be carried forward 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

~~(4) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.~~

~~(5)~~(4) (a) (i) The aggregate amount of tax credits allowed under this section is $3 million beginning in tax year 2016.

(ii) Beginning in 2017, by August 1 of each year, the department shall determine if $3 million or the aggregate limit provided for in subsection ~~(5)(a)(iii)~~ (4)(a)(iii) in tax credits was preapproved by the department. If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 10% for the succeeding tax years.

(iii) If the aggregate limit is increased in any tax year, the department shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregated limit is established under the provisions of subsection ~~(5)(a)(ii)~~ (4(a)(ii).

(b) The department shall approve the amount of tax credits for taxpayers on a first-come, first-served basis and post a notice on its website advising taxpayers when the aggregate limit is in effect. If a taxpayer makes a donation after total donations claimed exceeds the aggregate limit, the taxpayer's return will be processed without regard to the credit.

~~(6)~~(5) A credit is not allowed under this section with respect to any amount deducted by the taxpayer for state tax purposes as a charitable contribution to a charitable organization qualified under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3). This section does not prevent a taxpayer from:

(a) claiming a credit under this section instead of a deduction; or

(b) claiming an exclusion, deduction, or credit for a charitable contribution that exceeds the amount for which the credit is allowed under this section.

~~(7)~~(6) The department may develop an internet-based registration system that provides donors with the opportunity to obtain preapproval for a tax credit before making a contribution. (Terminates December 31, ~~2023~~ 2029~~--sec. 33, Ch. 457, L. 2015~~.)""

Insert: "**Section 18.** Section 15-30-3113, MCA, is amended to read:

"**15-30-3113. (Temporary) Review determination -- termination -- confidentiality.** (1) Subject to subsection (7), the department is authorized to examine any books, papers, records, or memoranda relevant to determining whether a student scholarship organization is in compliance with 15-30-3102, 15-30-3103, and 15-30-3105.

(2) If a student scholarship organization is not in compliance, the department shall provide to the organization written notice of the specific failures and the organization has 30 days from the

date of the notice to correct deficiencies. If the organization fails to correct all deficiencies, the department shall provide a final written notice of the failure to the organization. The organization may appeal the department's determination of failure to comply according to the uniform dispute review procedure in 15-1-211 within 30 days of the date of the notice.

(3) (a) If a student scholarship organization does not seek review under 15-1-211 or if the dispute is not resolved, the department shall issue a final department decision.

(b) The final department decision for a student scholarship organization must provide that the student scholarship organization:

(i) will be removed from the list of eligible student scholarship organizations provided in 15-30-3106 and notified of the removal; and

(ii) shall within 15 calendar days of receipt of notice from the department of removal from the eligible list cease all operations as a student scholarship organization and transfer all scholarship account funds to a properly operating student scholarship organization.

(4) A student scholarship organization that receives a final department decision may seek review of the decision from the state tax appeal board pursuant to 15-2-302.

(5) Either party aggrieved as a result of the decision of the state tax appeal board may seek judicial review pursuant to 15-2-303.

(6) If a student scholarship organization files an appeal pursuant to this section, the organization may continue to operate until the decision of the court is final.

(7) The identity of donors who make donations to ~~the educational improvement account provided for in 20-9-905~~ school districts to support innovative educational programs or donations to a student scholarship organization is confidential tax information that is subject to the provisions of 15-30-2618. (Terminates December 31, ~~2023~~ 2029~~--sec. 33, Ch. 457, L. 2015~~.)""

Insert: "**NEW SECTION. Section 19. {standard} Repealer.** The following sections of the Montana Code Annotated are repealed:

20-9-901. (Temporary) Purpose.

20-9-902. (Temporary) Definitions.

20-9-903. (Temporary) Establishment of geographic regions and large districts -- innovative educational program.

20-9-904. (Temporary) Distribution of supplemental revenue to public schools -- innovative educational program.

20-9-905. (Temporary) Educational improvement account -- revenue allocated -- appropriations from account.

20-9-906. (Temporary) Rulemaking."

Renumber: subsequent sections

36. Page 8.

Following: line 16

Insert: "NEW SECTION. **Section 21.** {standard} **Repealer**. Sections 24, 25, 26, and 27, Chapter 457, Laws of 2015, are repealed."

Insert: "NEW SECTION. **Section 22.** {standard} **Severability**. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

37. Page 8, line 17.
Following: "**date**"
Insert: "**-- applicability**"

38. Page 8, line 17.
Following: "**date.**"
Insert: "(1)"
Strike: "[This act]"
Insert: "Except as provided in subsections (2) through (7), [this act]"

39. Page 8, line 17.
Strike: "on passage and approval"
Insert: "July 1, 2021"

40. Page 8.
Following: line 17
Insert: "(2) [Sections 1 through 6, 12, 18, 19, and 21] are effective October 1, 2021, and apply to the income tax year beginning after December 31, 2021.
(3) [Sections 7 and 13] are effective January 1, 2022, and apply to the income tax year beginning after December 31, 2021.
(4) [Sections 8 and 14] are effective January 1, 2023, and apply to the income tax year beginning after December 31, 2022.
(5) [Sections 9 and 15] are effective January 1, 2024, and apply to the income tax year beginning after December 31, 2023.
(6) [Sections 10 and 16] are effective January 1, 2025, and apply to the income tax year beginning after December 31, 2024.
(7) [Sections 11 and 17] are effective July 1, 2025, and apply to income tax years beginning after June 30, 2025."

41. Page 8, line 19 through line 20.
Strike: section 10 in its entirety
Renumber: subsequent sections

42. Page 8, line 22.
Following: **"Termi**
Insert: "(1) [Sections 7 and 13] terminate December 31, 2022.
(2) [Sections 8 and 14] terminate December 31, 2023.
(3) [Sections 9 and 15] terminate December 31, 2024.
(4) [Sections 10 and 16] terminate December 31, 2025.
(5) [Section 25] terminates January 1, 2025.
(6)"
Strike: "[Sections 1 through 7]"
Insert: "[Sections 1 through 6 and 11, 12, 17, and 18]"

43. Page 8.
Following: line 24
Insert: "NEW SECTION. **Section 25. Contingent termination -- legislative intent -- specific findings -- report to legislative finance committee**. (1) The legislature intends to provide the tax relief provided by [this act] while also preventing the loss of federal funds that are available to the state as part of the recently enacted American Rescue Plan Act, Public Law 117-2. The contingent termination provisions in subsections (2) through (5) are limited to the duration of time established by each subsection and are necessary based on the lack of information available to the legislature from the federal government at the time of enactment of [this act].
(2) [Sections 7 and 13] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made in calendar year 2021.
(3) [Sections 8 and 14] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2022, and December 31, 2022.
(4) [Sections 9 and 15] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2023, and December 31, 2023.
(5) [Sections 10 and 16] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2024, and December 31, 2024.
(6) (a) The budget director shall continually evaluate whether implementation of a section of [this act] will:
(i) result in a reduction of funds from the American Rescue Plan Act; or
(ii) require the state to repay or refund to the federal government pursuant to the American Rescue Plan Act.
(b) The budget director shall consider guidance from:
(i) the federal government about the American Rescue Plan Act;
(ii) court decisions about the American Rescue Plan Act;
(iii) amendments to the American Rescue Plan Act;
(iv) any information provided by the attorney general; and
(v) other relevant information about the American Rescue Plan Act.
(c) If the budget director determines that the implementation of a section of [this act] may satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b), the budget director shall notify the legislative finance committee of the preliminary determination. The budget director's notification of the preliminary determination may occur after January 1 but no later than December 10 of each of the calendar years 2021, 2022, 2023, and 2024. Within 20 days of notification, the legislative finance committee shall provide the budget director with any recommendations concerning the preliminary determination. The budget director shall consider any recommendations of the legislative finance committee.
(7) If the budget director determines that the implementation of a section of [this act] would more likely than not satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b) and the recommendations of the legislative finance committee in subsection (6)(c),

the budget director shall provide certification in writing to the legislative finance committee and the code commissioner of the occurrence of the relevant contingency provided for in subsections (2) through (5)."

And, as amended, be concurred in.

HB 686, be amended as follows:

1. Title, line 6 through line 8.
Strike: "PROVIDING" on line 6 through "JUSTICE;" on line 8
Insert: "ESTABLISHING LIMITATIONS ON THE LENGTH OF MEDICAID COVERAGE FOR INDIVIDUALS ELIGIBLE UNDER THE HEALTH AND ECONOMIC LIVELIHOOD PARTNERSHIP ACT;"
Strike: "PROVIDING A CONTINGENT APPROPRIATION;" on line 8

2. Title, line 9.
Following: "ACCOUNT;"
Insert: "PROVIDING FOR A MAXIMUM FAMILY COPAYMENT; PROVIDING DIRECTION TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; PLACING RESTRICTIONS ON THE USE OF MEDICAID FUNDS FOR STAYS AT THE STATE HOSPITAL;"

3. Title, line 10.
Strike: the first "SECTION"
Insert: "SECTIONS"

4. Title, line 10.
Following: "50-46-345,"
Insert: "53-4-1008, 53-6-101, AND 53-6-1304,"

5. Title, line 11.
Following: "DATE"
Insert: ", A TERMINATION DATE, AND A CONTINGENT TERMINATION DATE"

6. Page 1, line 15 through page 2, line 3.
Strike: sections 1 and 2 in their entirety
Renumber: subsequent sections

7. Page 2.
Following: line 25
Insert: "NEW SECTION. **Section 2. Legislative intent.** If, during the 2023 biennium, expenditures in the disabilities and employment transition division, the developmental services division, the health resources division, the senior and long term care division, the addictive and mental disorders division, or the child and family services division are estimated to exceed appropriations, thereby requiring actions under 17-7-301, it is the intent of the legislature that the department of public health and human services may, with prior approval of the

office of budget and program planning, transfer budget authority from any division in the department to any other division listed above to eliminate a potential deficit or supplemental request and eliminate the need for actions under 17-7-301. Total transfers to a division may not exceed 10% of the budget of the division receiving the transfer. Such transfers between divisions must be reported by the department to the legislative finance committee at its next regular meeting. For the 2023 biennium, this language supersedes language contained in House Bill No. 341 and House Bill No. 275, if passed and approved."

Insert: "**Section 3.** Section 53-4-1008, MCA, is amended to read:

"**53-4-1008. (Temporary) Participant cost sharing.** (1) The department of public health and human services may charge fees to participants in the program. The fees may include:

~~(1)~~(a) monthly or yearly enrollment fees;

~~(2)~~(b) minimum charges to be incurred or spent before benefits are paid;

~~(3)~~(c) cost sharing for individual benefits; and

~~(4)~~(d) other types of charges assessed as part of the program.

(2) Beginning January 1, 2022, the maximum family copayment for the benefit year must be set at $500, (Terminates on occurrence of contingency--sec. 15, Ch. 571, L. 1999.)" "

Insert: "NEW SECTION. **Section 4. Direction to department of public health and human services -- notification to legislature**. If implementation of [section 3] would result in a reduction in the federal medical assistance percentages for the children's health insurance program or the medicaid program or otherwise result in a loss of funding for either or both programs, the legislature directs the department to delay the implementation of those provisions until implementation can occur without a reduction in a federal medical assistance percentage or other loss of federal funding."

Insert: "**Section 5.** Section 53-6-101, MCA, is amended to read:

"**53-6-101. Montana medicaid program -- authorization of services.** (1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq. The department shall administer the Montana medicaid program.

(2) The department and the legislature shall consider the following funding principles when considering changes in medicaid policy that either increase or reduce services:

(a) protecting those persons who are most vulnerable and most in need, as defined by a combination of economic, social, and medical circumstances;

(b) giving preference to the elimination or restoration of an entire medicaid program or service, rather than sacrifice or augment the quality of care for several programs or services through dilution of funding; and

(c) giving priority to services that employ the science of prevention to reduce disability and illness, services that treat life-threatening conditions, and services that support independent or assisted living, including pain management, to reduce the need for acute inpatient or residential care.

(3) Medical assistance provided by the Montana medicaid program includes the following services:

(a) inpatient hospital services;

(b) outpatient hospital services;

(c) other laboratory and x-ray services, including minimum mammography examination as defined

in 33-22-132;
(d) skilled nursing services in long-term care facilities;
(e) physicians' services;
(f) nurse specialist services;
(g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age, in accordance with federal regulations and subsection (10)(b);
(h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;
(i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;
(j) services that are provided by physician assistants within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;
(k) health services provided under a physician's orders by a public health department;
(l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2);
(m) routine patient costs for qualified individuals enrolled in an approved clinical trial for cancer as provided in 33-22-153;
(n) for children 18 years of age and younger, habilitative services as defined in 53-4-1103; and
(o) services provided by a person certified in accordance with 37-2-318 to provide services in accordance with the Indian Health Care Improvement Act, 25 U.S.C. 1601, et seq.
(4) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:
(a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;
(b) home health care services;
(c) private-duty nursing services;
(d) dental services;
(e) physical therapy services;
(f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 10;
(g) clinical social worker services;
(h) prescribed drugs, dentures, and prosthetic devices;
(i) prescribed eyeglasses;
(j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;
(k) inpatient psychiatric hospital services for persons under 21 years of age;
(l) services of professional counselors licensed under Title 37, chapter 23;
(m) hospice care, as defined in 42 U.S.C. 1396d(o);
(n) case management services, as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;
(o) services of psychologists licensed under Title 37, chapter 17;
(p) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201;
(q) services of behavioral health peer support specialists certified under Title 37, chapter 38, provided to adults 18 years of age and older with a diagnosis of a mental disorder, as defined in 53-21-102; and
(r) any additional medical service or aid allowable under or provided by the federal Social Security

Act.

(5) Services for persons qualifying for medicaid under the medically needy category of assistance, as described in 53-6-131, may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (3) and (4) to persons qualifying for medicaid under the medically needy category of assistance.

(6) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving cash assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child and for all adult recipients of medical assistance only who are covered under a group related to a program providing cash assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsection (3) but may include those optional services listed in subsections (4)(a) through (4)(r) that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds appropriated by the legislature, whether approval has been received, as provided in 53-1-612, and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage.

(7) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(8) (a) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

(b) The department shall strive to close gaps in services provided to individuals suffering from mental illness and co-occurring disorders by doing the following:

(i) simplifying administrative rules, payment methods, and contracting processes for providing services to individuals of different ages, diagnoses, and treatments. Any adjustments to payments must be cost-neutral for the biennium beginning July 1, 2017.

(ii) publishing a report on an annual basis that describes the process that a mental health center or chemical dependency facility, as those terms are defined in 50-5-101, must utilize in order to receive payment from Montana medicaid for services provided to individuals of different ages, diagnoses, and treatments.

(9) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.

(10) (a) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.

(b) The department shall, with reasonable promptness, provide access to all medically necessary services prescribed under the early and periodic screening, diagnosis, and treatment benefit, including access to prescription drugs and durable medical equipment for which the department has not negotiated a rebate.

(11) Services, procedures, and items of an experimental or cosmetic nature may not be provided.
(12) (a) Prior to enacting changes to provider rates, medicaid waivers, or the medicaid state plan, the department shall report the information to:
(i) the children, families, health, and human services interim committee; and
(ii) the legislative finance committee.
(b) In its report to the committees, the department shall provide an explanation for the proposed changes and an estimated budget impact to the department over the next 4 fiscal years.
~~(12)~~(13) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program after taking into consideration the funding principles set forth in subsection (2). (Subsection (3)(o) terminates September 30, 2023--sec. 7, Ch. 412, L. 2019.)""
Insert: "NEW SECTION. **Section 6. Medicaid -- restriction on use of funds to pay for stays at state hospital.** Medicaid funds appropriated in House Bill No. 2 to the department of public health and human services may not be used to reimburse the costs of a patient's stay at the Montana state hospital unless the person is under 21 years of age or 65 years of age or older, consistent with the institutions for mental disease exclusion in section 1905 of the Social Security Act. "
Insert: "**Section 7.** Section 53-6-1304, MCA, is amended to read:
"**53-6-1304. (Temporary) Montana HELP Act program -- eligibility for coverage of health care services -- exceptions.** (1) An individual is eligible for coverage of health care services provided pursuant to this part if the individual meets the requirements of 42 U.S.C. 1396a(a)(10)(A)(i)(VIII).
(2) A program participant may not continue coverage under this part if, because of a permanent increase in income as described in 53-6-1314 or another change in the participant's circumstance, the participant no longer meets the requirement of 42 U.S.C. 1396a(a)(10(A)(i)(VIII).
~~(2)~~(3) The department may serve individuals who are eligible for medicaid-funded services pursuant to this part through the medical assistance program established in Title 53, chapter 6, part 1, if the individuals would be served more appropriately because the individuals:
(a) have exceptional health care needs, including but not limited to medical, mental health, or developmental conditions;
(b) live in a geographical area, including an Indian reservation, that would not be effectively or efficiently served through this part;
(c) need continuity of care that would not be available or cost-effective through this part;
(d) are exempt under the waiver implementing this part as of July 1, 2019; or
(e) are otherwise exempt under federal law. (Terminates June 30, 2025--secs. 38, 48, Ch. 415, L. 2019.)""
Renumber: subsequent sections

8. Page 3.
Following: line 1
Insert: " NEW SECTION. **Section 9. Direction to department of public health and human services.** (1) The legislature authorizes the department of public health and human

services to revise, if necessary, the pending section 1115 medicaid demonstration amendment and extension application titled "Montana health and economic livelihood partnership (HELP) demonstration program" (project number 11-W-00300/8) to eliminate the request for approval of 12-month continuous eligibility for the medicaid expansion population.

(2) If implementation of [section 7] would result in a reduction in the enhanced federal medical assistance percentage provided for the medicaid program under the Families First Coronavirus Response Act of 2020, the legislature directs the department to delay the implementation of those provisions until implementation can occur without a reduction in the enhanced federal medical assistance percentage."

Renumber: subsequent sections

9. Page 3, line 3.
Strike: "1"
Insert: "5(12) of this act"

10. Page 3, line 4.
Strike: "Section 1. Notification to legislative committees prior to action. (1)"
Insert: "(12) (a)"

11. Page 3, line 7.
Strike: "(a)"
Insert: "(i)"

12. Page 3, line 8.
Strike: "(b)"
Insert: "(ii)"

13. Page 3, line 9.
Strike: "(c)"
Insert: "(iii)"

14. Page 3, line 10.
Strike: "(2)"
Insert: "(b)"

15. Page 3.
Following: line 12
Insert: " COORDINATION SECTION. **Section 11. Coordination instruction**. If both Senate Bill No. 225 and [this act] are passed and approved and Senate Bill No. 225 contains a section amending 2-4-305, then the section of Senate Bill No. 225 amending 2-4-305 must be amended to read as follows:

"**2-4-305. Requisites for validity -- authority and statement of reasons.** (1) (a) The agency shall fully consider written and oral submissions respecting the proposed rule, including comments submitted by the primary sponsor of the legislation prior to the drafting of the

substantive content and wording of a proposed rule that initially implements legislation.

(b) (i) Upon adoption of a rule, an agency shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement the reasons for overruling the considerations urged against its adoption. If substantial differences exist between the rule as proposed and as adopted and the differences have not been described or set forth in the adopted rule as that rule is published in the register, the differences must be described in the statement of reasons for and against agency action. When written or oral submissions have not been received, an agency may omit the statement of reasons.

(ii) If an adopted rule that initially implements legislation does not reflect the comments submitted by the primary sponsor, the agency shall provide a statement explaining why the sponsor's comments were not incorporated into the adopted rule.

(2) Rules may not unnecessarily repeat statutory language. Whenever it is necessary to refer to statutory language in order to convey the meaning of a rule interpreting the language, the reference must clearly indicate the portion of the language that is statutory and the portion that is an amplification of the language.

(3) Each proposed and adopted rule must include a citation to the specific grant of rulemaking authority pursuant to which the rule or any part of the rule is adopted. In addition, each proposed and adopted rule must include a citation to the specific section or sections in the Montana Code Annotated that the rule purports to implement. A substantive rule may not be proposed or adopted unless:

(a) a statute granting the agency authority to adopt rules clearly and specifically lists the subject matter of the rule as a subject upon which the agency shall or may adopt rules; or

(b) the rule implements and relates to a subject matter or an agency function that is clearly and specifically included in a statute to which the grant of rulemaking authority extends.

(4) Each rule that is proposed and adopted by an agency and that implements a policy of a governing board or commission must include a citation to and description of the policy implemented. Each agency rule implementing a policy and the policy itself must be based on legal authority and otherwise comply with the requisites for validity of rules established by this chapter.

(5) ~~To~~ Except as provided in subsection (11) to be effective, each substantive rule adopted:

(a) must be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law; and

(b) may not implement a policy or relate to a subject matter that is substantially similar to the last version of legislation that failed to pass in the previous regular session of the legislature. Legislation is considered to have failed if, following introduction and a hearing in at least one committee, the legislation is not enacted and was tabled in committee, failed a floor vote, or was vetoed. For the purposes of this subsection (5)(b), a determination of "substantially similar" must be based on:

(i) the policy goals and legislative history of the failed legislation; and

(ii) textual similarities between the rule and the failed legislation.

(6) ~~Whenever~~ Except as provided in subsection (11), whenever by the express or implied terms of any statute a state agency has authority to adopt rules to implement, interpret, make specific, or otherwise carry out the provisions of the statute, an adoption, amendment, or repeal of a rule is not valid or effective unless it is:

(a) consistent and not in conflict with the statute; ~~and~~

(b) not substantially similar to the last version of legislation that failed to pass in the previous

regular session of the legislature. Legislation is considered to have failed if, following introduction and a hearing in at least one committee, the legislation is not enacted and was tabled in committee, failed a floor vote, or was vetoed. For the purposes of this subsection (6)(b), a determination of "substantially similar" must be based on:

(i) the policy goals and legislative history of the failed legislation; and

(ii) textual similarities between the rule and the failed legislation.

~~(b)~~(c) reasonably necessary to effectuate the purpose of the statute. A statute mandating that the agency adopt rules establishes the necessity for rules but does not, standing alone, constitute reasonable necessity for a rule. The agency shall also address the reasonableness component of the reasonable necessity requirement by, as indicated in 2-4-302(1) and subsection (1) of this section, stating the principal reasons and the rationale for its intended action and for the particular approach that it takes in complying with the mandate to adopt rules. Subject to the provisions of subsection (8), reasonable necessity must be clearly and thoroughly demonstrated for each adoption, amendment, or repeal of a rule in the agency's notice of proposed rulemaking and in the written and oral data, views, comments, or testimony submitted by the public or the agency and considered by the agency. A statement that merely explains what the rule provides is not a statement of the reasonable necessity for the rule.

(7) A rule is not valid unless notice of it is given and it is adopted in substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section and unless notice of adoption of the rule is published within 6 months of the publishing of notice of the proposed rule. The measure of whether an agency has adopted a rule in substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section is not whether the agency has provided notice of the proposed rule, standing alone, but rather must be based on an analysis of the agency's substantial compliance with 2-4-302, 2-4-303, or 2-4-306 and this section. If an amended or supplemental notice of either proposed or final rulemaking, or both, is published concerning the same rule, the 6-month limit must be determined with reference to the latest notice in all cases.

(8) (a) An agency may use an amended proposal notice or the adoption notice to correct deficiencies in citations of authority for rules and in citations of sections implemented by rules.

(b) An agency may use an amended proposal notice but, except for clerical corrections, may not use the adoption notice to correct deficiencies in a statement of reasonable necessity.

(c) If an agency uses an amended proposal notice to amend a statement of reasonable necessity for reasons other than for corrections in citations of authority, in citations of sections being implemented, or of a clerical nature, the agency shall allow additional time for oral or written comments from the same interested persons who were notified of the original proposal notice, including from a primary sponsor, if primary sponsor notification was required under 2-4-302, and from any other person who offered comments or appeared at a hearing already held on the proposed rule.

(9) If a majority of the members of the appropriate administrative rule review committee notify the committee presiding officer that those members object to all or a portion of a notice of proposed rulemaking, the committee shall notify the agency in writing that the committee objects to all or a portion of the proposal notice and will address the objections at the next committee meeting. Following notice by the committee to the agency, all or a portion of the proposal notice that the committee objects to may not be adopted until publication of the

last issue of the register that is published before expiration of the 6-month period during which the adoption notice must be published, unless prior to that time, the committee meets and does not make the same objection. A copy of the committee's notification to the agency must be included in the committee's records.

(10) This section applies to the department of labor and industry adopting a rule relating to a commercial drug formulary as provided in 39-71-704. This section does not apply to the automatic updating of department of labor and industry rules relating to commercial drug formularies as provided in 39-71-704.

(11) This section does not apply to department of public health and human services rules establishing procedures for redetermining medicaid eligibility in accordance with 53-6-1304.""

16. Page 3.
Following: line 14
Insert: "NEW SECTION. **Section 13. Termination**. [Section 7] terminates June 30, 2025."
Insert: "NEW SECTION. **Section 14. Contingent termination**. (1) [Section 3] terminates on the date that the director of the department of public health and human services certifies to the governor that the federal government has terminated the program or that federal funding for the program has been discontinued.
(2) The governor shall transmit a copy of the certification to the code commissioner."

And, as amended, be concurred in.

HB 693, be amended as follows:

1. Title, line 8.
Following: line 7
Insert: "PROVIDING FOR REPORTING REQUIREMENTS FOR THE OFFICE OF COURT ADMINISTRATOR;"
Following: "THE"
Insert: "11TH AND THE"

2. Title, line 9.
Strike: "DISTRICT"
Insert: "DISTRICTS"

3. Title, line 9.
Following: "DISTRICT;"
Strike: "REVISING EXPUNGEMENT PROVISIONS IN TREATMENT COURTS;"

4. Title, line 10 through line 11.
Following: "BUREAU;" on line 10
Insert: "REQUIRING THE INVESTIGATION OF CERTAIN ORGANIZATIONS BY THE DEPARTMENT OF JUSTICE;"
Strike: "PROVIDING" on line 10 through "EVALUATION;" on line 11

5. Title, line 11.
Following: "EVALUATION;"
Insert: "GRANTING CONSENT TO DISCONTINUE THE CONTRACT WITH THE GREAT FALLS REGIONAL PRISON; PROVIDING NOTIFICATION OF DISCHARGE ELIGIBILITY; ESTABLISHING AN EVIDENCE-BASED PROGRAM UNIT AT THE DEPARTMENT OF CORRECTIONS; PROVIDING FOR A TRANSFER OF FUNDS; ALLOWING A DRIVER TO RENEW A DRIVER'S LICENSE WHEN APPLYING FOR A REAL ID-COMPLIANT LICENSE; REDUCING FEES FOR A REAL ID-COMPLIANT DRIVER'S LICENSE OR IDENTIFICATION CARD REQUESTED PRIOR TO RENEWAL;"

6. Title, line 11.
Following: "3-5-102,"
Insert: "44-7-204,"

7. Title, line 11 through line 12.
Strike: "46-1-1104," on line 11 through "46-18-1108," on line 12
Insert: "46-23-1011, 53-1-211, 61-5-111, AND 61-5-129,"

8. Page 3, line 4.
Strike: "Corrections"
Insert: "Justice"

9. Page 3, line 5.
Strike: "Corrections"
Insert: "Justice"

10. Page 3, line 24.
Strike: "afterward"
Insert: "of the 2023 biennium"

11. Page 4, line 1.
Following: "expenditures;"
Insert: "and"

12. Page 4, line 2.
Strike: subsection (b) in its entirety
13. Page 4, line 3.
Strike: "(c)"
Insert: "(b)"

14. Page 4, line 7.
Strike: "afterward"
Insert: "of the 2023 biennium"

15. Page 4, line 11.

Following: "sentencing;"
Strike: "and"

16. Page 4, line 13.
Following: "held"
Insert: "; and
(c) for those defendants remaining in a county detention facility for more than 10 business days after sentencing, on the relevant facts leading to the delay in transfer out of the facility and whether the delay is attributable to untimely receipt of a judgment or other sentencing documents from the judicial branch"

17. Page 4, line 20 through line 22.
Strike: ":" on line 20 through "(ii)" on line 22

18. Page 6.
Following: line 25
Insert: "(5) No later than September 1, 2022, the department of justice shall report to the law and justice interim committee and the legislative finance committee on how many offenders have had their convictions expunged since the passage of [this act] through a treatment court and what the underlying crime was for."

19. Page 6.
Following: line 26
Insert: "NEW SECTION. **Section 4. Office of court administrator to report.** Each quarter of the fiscal year, the office of court administrator shall report to the law and justice interim committee and the legislative finance committee on the number of civil cases that have been pending for more than 2 years by judicial district. The report must identify:
(1) the judicial district;
(2) the number of cases in that district that are pending for more than 2 years but less than 3 years;
(3) the number of cases in that district that are pending for more than 3 years but less than 4 years;
(4) the number of cases in that district that are pending for more than 4 years but less than 5 years; and
(5) the number of cases in that district that are pending for more than 5 years."

20. Page 7, line 3 through line 23.
Strike: section 5 in its entirety
Insert: "NEW SECTION. **Section 6. Investigation of environmental organization compliance.** (1) Using its consumer protection oversight and authority in accordance with Title 30, chapter 14, the department of justice shall investigate the electioneering and related political and lobbying activities of environmental organizations operating in Montana. The investigation must include but is not limited to:
(a) if organizations are meeting their exempt purpose as established in their tax-exempt status;
(b) the composition of environmental organizations operating in Montana and the number of Montana residents actively signing annual membership agreements;
(c) funding structures used to provide revenue to environmental organizations operating in

Montana and the percentage of funding provided by out-of-state sources, out-of-country sources, or both;

(d) potential failure to register as a corporation or business entity with the Montana secretary of state's office while soliciting monetary or other support and potentially misleading Montana residents under consumer protection laws;

(e) engagement in political speech, lobbying, and other politically motivated activities, including how organizations spend money and provide for accountability and standard auditing practices for funding and staff employment; and

(f) interplay between environmental organizations and affiliated funding sources.

(2) The department shall research, identify, and list all legal actions involving environmental organizations acting to block or otherwise influence permitting, licensing, and other governmental action or regulation since January 1, 2011.

(3) The department shall prepare a report outlining its findings based on the requirements of this section and provide the report to the legislative council and the legislature, in accordance with 5-11-210, no later than December 1, 2022."

Renumber: subsequent sections

21. Page 8, line 2.
Following: "8th,"
Strike: "and 11th"

22. Page 8, line 3.
Following: "4th"
Strike: "district"
Insert: "and 11th districts"

23. Page 8, line 7.
Following: "**judges.**"
Insert: "(1)"

24. Page 8.
Following: line 11
Insert: "(2) The additional judge for the 11th judicial district must be elected to take office January 2, 2023."

25. Page 8.
Following: line 12
Insert: "NEW SECTION. **Section 9. Authority to discontinue use.** The legislature provides consent for the department of corrections to discontinue the use of the Great Falls regional prison in accordance with 53-1-202(4)."
Insert: "**Section 10.** Section 44-7-204, MCA, is amended to read:
"**44-7-204. Restriction on use of funds.** Funds deposited in the domestic violence intervention account may be used only for the program authorized in 44-7-201 and the costs authorized under 44-7-203 and may not be used to pay the expenses of any other program or service administered in whole or in part by the Montana board of crime control or the department

of ~~corrections~~ justice.""
Renumber: subsequent sections

26. Page 8, line 13 through page 13, line 22.
Strike: sections 8 through 10 in their entirety
Insert: "NEW SECTION. **Section 11. Legislative intent.** It is the intent of the legislature that the department of corrections establish an evidence-based program unit by moving three full-time equivalent positions from the existing quality assurance unit, including any management position, to the evidence-based program unit. It is also the intent of the legislature that the department of corrections disband the current quality assurance unit and assign the remaining duties and full-time equivalent positions to other appropriate work groups."
Insert: "**Section 12.** Section 46-23-1011, MCA, is amended to read:
"**46-23-1011. Supervision on probation.** (1) The department shall supervise probationers during their probation period, including supervision after release from imprisonment imposed pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b), or 45-5-625(4), in accord with the conditions set by a sentencing judge. If the sentencing judge did not set conditions of probation at the time of sentencing, the court shall, at the request of the department, hold a hearing and set conditions of probation. The probationer must be present at the hearing. The probationer has the right to counsel as provided in chapter 8 of this title.
(2) If the probationer is being supervised for a sexual offense as defined in 46-23-502, the conditions of probation may require the probationer to refrain from direct or indirect contact with the victim of the offense or an immediate family member of the victim. If the victim or an immediate family member of the victim requests to the department that the probationer not contact the victim or immediate family member, the department shall request a hearing with a sentencing judge and recommend that the judge add the condition of probation. If the victim is a minor, a parent or guardian of the victim may make the request on the victim's behalf.
(3) A copy of the conditions of probation must be signed by the probationer. The department may require a probationer to waive extradition for the probationer's return to Montana.
(4) The probation and parole officer shall regularly advise and consult with the probationer using effective communication strategies and other evidence-based practices to encourage the probationer to improve the probationer's condition and conduct and shall inform the probationer of the restoration of rights on successful completion of the sentence.
(5) (a) The probation and parole officer may recommend and a judge may modify or add any condition of probation or suspension of sentence at any time.
(b) The probation and parole officer shall provide the county attorney in the sentencing jurisdiction with a report that identifies the conditions of probation and the reason why the officer believes that the judge should modify or add the conditions.
(c) The county attorney may file a petition requesting that the court modify or add conditions as requested by the probation and parole officer.
(d) The court may grant the petition if the probationer does not object. If the probationer objects to the petition, the court shall hold a hearing pursuant to the provisions of 46-18-203.
(e) Except as they apply to supervision after release from imprisonment imposed pursuant to 45-5-

503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b), or 45-5-625(4), the provisions of 46-18-203(7)(a)(ii) do not apply to this section.

(f) The probationer shall sign a copy of new or modified conditions of probation. The court may waive or modify a condition of restitution only as provided in 46-18-246.

(6) Based on the risk and needs of each individual as determined by the individual's most recent risk and needs assessment, the probation and parole officer shall ~~recommend~~ notify the probationer of eligibility for conditional discharge from supervision when a probationer is in compliance with the conditions of supervision when:

~~(a) a low-risk probationer has served 9 months;~~

~~(b) a moderate-risk probationer has served 12 months;~~

~~(c) a medium-risk probationer has served 18 months; and~~

~~(d) a high-risk probationer has served 24 months.~~

(a) under the women's risks and needs assessment:

(i) a low-risk probationer has served 9 months;

(ii) a moderate-risk probationer has served 12 months;

(iii) a medium-risk probationer has served 18 months; and

(iv) a high-risk probationer has served 24 months; and

(b) under the Montana offender reentry and risk assessment:

(i) a low-risk probationer has served 9 months;

(ii) a moderate-risk probationer has served 12 months;

(iii) a high-risk probationer has served 18 months; and

(iv) a very high-risk probationer has served 24 months.

(7) The probationer, the probationer's attorney, or the prosecutor may file a motion recommending conditional discharge. The motion must set forth the following:

(a) why the probationer meets the requirements of subsection (6); and

(b) whether the department of corrections supports or opposes the motion.

(8) The motion must be served on the county attorney serving in the county of the presiding district court. The movant does not need to file an accompanying brief as otherwise required by Rule 2 of the Montana Uniform District Court Rules.

(9) The department of corrections shall make reasonable efforts to notify the victim if required by 46-24-212, and the county attorney shall make reasonable efforts to notify the victim. The victim must be provided the following:

(a) a copy of the motion;

(b) written notice that:

(i) the victim may provide written input regarding the motion or may ask the county attorney to state the victim's position on the motion;

(ii) if a hearing is set, the date, time, and place of the hearing; and

(iii) the victim may appear and testify at any hearing held on the motion.

(10) (a) The court may hold a hearing on the motion. A judge may conditionally discharge a probationer from supervision before expiration of the probationer's sentence if:

(i) the judge determines that a conditional discharge from supervision:

(A) is in the best interests of the probationer and society; and

(B) will not present unreasonable risk of danger to the victim of the offense; and

(ii) the offender has paid all restitution and court-ordered financial obligations in full.

(b) Subsection (10)(a) does not prohibit a judge from revoking the order suspending execution or deferring imposition of sentence, as provided in 46-18-203, for a probationer who has been

conditionally discharged from supervision.""

Insert: "**Section 13.** Section 53-1-211, MCA, is amended to read:

"**53-1-211. ~~Quality assurance~~ Evidence-based program unit -- program standards -- evaluation -- ~~cooperation with department of public health and human services --~~ report.** (1) There is ~~a quality assurance~~ an evidence-based program unit in the department of corrections.

(2) In addition to duties assigned to it by the department director or otherwise required by law, the unit shall:

(a) adopt an evidence-based program evaluation tool that measures how closely correctional programs meet the known principles of effective intervention. The tool must measure program content and capacity to ensure the delivery of effective interventions for offenders.

(b) conduct evaluations of programs to reduce recidivism that are funded by the state; ~~and~~

(c) enforce standards to ensure that department-run and contracted programs are using best practices for reducing recidivism, including targeting highest-risk individuals, adhering to evidence-based or research-driven practices, and integrating opportunities for ongoing quality assurance and evaluation; and

(d) work to enhance training opportunities for evidence-based programs for both department staff and contracted staff, to the extent that resources allow.

(3) Subject to the availability of funding, the department may contract with an independent contractor or academic institution to complete evaluations and training.

(4) The unit leader shall ~~work jointly with the department of public health and human services~~ report directly to the department director or deputy director and work with stakeholder and department clinical staff to develop standards for quality assurance in behavioral health programs or other clinical programs.

(5) The unit shall conduct regular evaluations of programs operated by the department or under a contract with the department.

(6) The department shall:

(a) develop and maintain a list of evidence-based treatment curriculums to be utilized in programs operated by or under contract with the department with priority being placed on adopting treatment curriculums that are in the public domain and evidence-based; and

(b) report the results of all initial and ongoing program evaluations to the law and justice interim committee each interim, including any identified program deficiencies and the department's plan to correct those deficiencies.

(7) ~~After May 19, 2017, the~~ The department shall ensure that contracts signed or renewed with providers contain:

(a) minimum program standards that adhere to the evidence-based program evaluation tool adopted as required in subsection (2);

(b) offender eligibility criteria for program entry with the contractor; and

(c) program dosage requirements that conform to evidence-based practices.""

Insert: "**Section 14.** Section 61-5-111, MCA, is amended to read:

"**61-5-111. Contents of driver's license, renewal, license expirations, license replacements, grace period, and fees for licenses, permits, and endorsements -- notice of expiration.** (1) (a) The department may appoint county treasurers and other qualified officers to act as its agents for the sale of driver's license receipts. In areas in which the department provides driver licensing services 3 days or more a week, the department is

responsible for sale of receipts and may appoint an agent to sell receipts.

(b) The department may enter into an authorized agent agreement with the county treasurer of any county in which the department no longer maintains a driver examination station for the purpose of providing driver's license renewal services.

(2) (a) The department, upon receipt of payment of the fees specified in this section, shall issue a driver's license to each qualifying applicant. The license must contain:

(i) a full-face photograph of the licensee in the size and form prescribed by the department;

(ii) a distinguishing number issued to the licensee;

(iii) the full legal name, date of birth, and Montana residence address unless the licensee requests use of the mailing address, except that the Montana residence address must be used for a REAL ID-compliant driver's license unless authorized by department rule;

(iv) a brief description of the licensee;

(v) either the licensee's customary manual signature or a reproduction of the licensee's customary manual signature; and

(vi) if the applicant qualifies under subsection (7), indication of the applicant's status as a veteran.

(b) The department may not use the licensee's social security number as the distinguishing number. A license is not valid until it is signed by the licensee.

(3) (a) When a person applies for renewal of a driver's license, the department shall conduct a records check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the applicant's eyesight. The department may also require the applicant to submit to a knowledge and road or skills test if:

(i) the renewal applicant has a physical or mental disability, limitation, or condition that impairs, or may impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway; and

(ii) the expired or expiring license does not include adaptive equipment or operational restrictions appropriate to the applicant's functional abilities; or

(iii) the applicant wants to remove or modify the restrictions stated on the expired or expiring license.

(b) In the case of a commercial driver's license, the department shall, if the information was not provided in a prior licensing cycle, require the renewal applicant to provide the name of each jurisdiction in which the applicant was previously licensed to drive any type of motor vehicle during the 10-year period immediately preceding the date of the renewal application and may also require that the applicant successfully complete a written examination as required by federal regulations.

(c) A person is considered to have applied for renewal of a Montana driver's license if the application is made within 6 months before or 3 months after the expiration of the person's license, or if the person has applied for a REAL ID-compliant driver's license pursuant to 61-5-129. Except as provided in subsection (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's examination station.

(d) (i) Except as provided in subsections (3)(d)(iii) through (3)(d)(vi), a person may renew a driver's license by mail or online.

(ii) An applicant who renews a driver's license by mail or online shall submit to the department an approved vision examination and a medical evaluation from a licensed physician, licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, in addition to the fees required for renewal.

(iii) If the department does not have a digitized photograph and signature record of the renewal

applicant from the expiring license, then the renewal applicant shall apply in person.
(iv) Except as provided in subsections (4)(b) and (4)(c), the term of a license renewed by mail or online is 8 years.
(v) The department may not renew a license by mail or online if:
(A) the records check conducted in accordance with 61-5-110(1) shows an ineligible license status for the applicant;
(B) the applicant holds a commercial driver's license with a hazardous materials endorsement, the retention of which requires additional testing and a security threat assessment under 49 CFR, part 1572;
(C) the applicant seeks a change of address, a change of date of birth, or a name change; or
(D) the applicant's license:
(I) has been expired for 3 months or longer; or
(II) except as provided in subsection (3)(e), was renewed by mail or online at the time of the applicant's previous renewal.
(vi) If a license was issued to a foreign national whose presence in the United States is temporarily authorized under federal law, the license may not be renewed by mail or online.
(e) The spouse or a dependent of a renewal applicant who is stationed outside Montana on active military duty may renew the applicant's license by mail or online for one additional consecutive term following a renewal by mail or online.
(f) The department shall send electronically or mail a driver's license renewal notice no earlier than 120 days and no later than 30 days prior to the expiration date of a driver's license. The department shall send the notice to the licensee's Montana mailing address shown on the driver's license or, if requested by the licensee, provide the notice using an authorized method of electronic delivery, or both.
(4) (a) Except as provided in subsections (4)(b) through (4)(e), a license expires on the anniversary of the licensee's birthday 8 years or less after the date of issue or on the licensee's 75th birthday, whichever occurs first.
(b) A license issued to a person who is 75 years of age or older expires on the anniversary of the licensee's birthday 4 years or less after the date of issue.
(c) A license issued to a person who is under 21 years of age expires on the licensee's 21st birthday.
(d) (i) Except as provided in subsection (4)(d)(ii), a commercial driver's license expires on the anniversary of the licensee's birthday 4 years or less after the date of issue.
(ii) When a person obtains a Montana commercial driver's license with a hazardous materials endorsement after surrendering a comparable commercial driver's license with a hazardous materials endorsement from another licensing jurisdiction, the license expires on the anniversary of the licensee's birthday 4 years or less after the date of the issue of the surrendered license if, as reported in the commercial driver's license information system, a security threat assessment was performed on the person as a condition of issuance of the surrendered license.
(e) A license issued to a person who is a foreign national whose presence in the United States is temporarily authorized under federal law expires, as determined by the department, no later than the expiration date of the official document issued to the person by the bureau of citizenship and immigration services of the department of homeland security authorizing the person's presence in the United States.
(5) When the department issues a driver's license to a person under 18 years of age, the license

must be clearly marked with a notation that conveys the restrictions imposed under 61-5-133.

(6) (a) Upon application for a driver's license or commercial driver's license and any combination of the specified endorsements, the following fees must be paid:

(i) driver's license, except a commercial driver's license -- $5 a year or fraction of a year;

(ii) motorcycle endorsement -- 50 cents a year or fraction of a year;

(iii) commercial driver's license:

(A) interstate -- $10 a year or fraction of a year; or

(B) intrastate -- $8.50 a year or fraction of a year.

(b) A renewal notice for either a driver's license or a commercial driver's license is 50 cents.

(7) (a) Upon receiving a request from a person whose status as a veteran has been verified by the department of military affairs pursuant to 10-2-1301 and upon receiving the information and fees required in this part, the department shall include the word "veteran" on the face of the license.

(b) After a person's status as a veteran is denoted on a driver's license, the department may not require further documentation of that status from the holder of the license upon subsequent renewal or replacement.

(8) (a) Except as provided in subsection (8)(b), an applicant may request a replacement driver's license online or by mail.

(b) If the department does not have a digitized photograph and signature record of the applicant, the applicant shall apply in person.

(c) The term of the replacement license must be the term of the applicant's current driver's license.

(9) (a) An applicant may request an expedited delivery service for a driver's license or identification card. The department shall set a fee for expedited delivery based on the cost of providing this service.

(b) The fees for expedited delivery must be deposited in the motor vehicle division administration account established in 61-3-112 and used for the purposes of expediting delivery, including actual costs for delivery, personnel, and related technology.""

Insert: "**Section 15.** Section 61-5-129, MCA, is amended to read:

"**61-5-129. (Temporary) REAL ID-compliant driver's license or identification card -- voluntary application.** (1) The department shall issue a Montana driver's license or identification card that complies with the requirements of the federal REAL ID Act of 2005, Public Law 109-13, to each qualifying applicant.

(2) (a) When required to obtain a Montana driver's license or identification card, a person may choose to apply for either a standard driver's license or identification card, or for a REAL ID-compliant driver's license or REAL ID-compliant identification card.

(b) A person may not hold a valid standard driver's license or identification card and a valid REAL ID-compliant driver's license or identification card at the same time.

(3) (a) A REAL ID-compliant driver's license issued pursuant to this section is subject to the other requirements of obtaining, renewing, and using a standard driver's license issued pursuant to this chapter.

(b) A REAL ID-compliant identification card issued pursuant to this section is subject to the other requirements of obtaining, renewing, and using a standard identification card issued pursuant to Title 61, chapter 12, part 5, and this chapter.

(4) (a) In addition to the fees charged to apply for or renew a standard driver's license under 61-5-

111(6) and the fees charged to apply for a standard identification card under 61-12-504, the department may charge the following additional fees:

(i) for a person who is applying for a REAL ID-compliant driver's license or identification card during or prior to a renewal period specified in 61-5-111(3)(c), the additional fee is $25; and

~~(ii) for a person who is applying for a REAL ID-compliant driver's license or identification card prior to the renewal period specified in 61-5-111 (3)(c), the additional fee is $50; and~~

~~(iii)~~(ii) for a person who renews a standard driver's license or a standard identification card under 61-5-111(3)(c) between June 1, 2017, through December 31, 2017, and is applying for a REAL ID-compliant driver's license or identification card between January 1, 2018, and June 30, 2018, the additional fee is $25.

(b) The fees collected under this subsection (4) must be deposited in the state special revenue fund to be used to fund the equipment and staffing necessary to provide REAL ID-compliant driver's licenses and identification cards. (Void on occurrence of contingency--sec. 8, Ch. 443, L. 2017.)""

Renumber: subsequent sections

27. Page 13, line 25.
Strike: "4"
Insert: "5"

28. Page 13.
Following: line 26
Insert: "NEW SECTION. **Section 17. Transfer of funds**. By August 15, 2021, the department of justice shall transfer $354,901 in state special revenue from the account provided for in 30-14-143 to the state special revenue account provided for in 46-1-1115. The transfer shall utilize the proceeds from the settlement in State of Montana v. McKinsey & Company, Inc., DDV 2021-107 (1st Judicial District), and the final consent judgment ordered on February 5, 2021."

Renumber: subsequent sections

29. Page 14, line 1.
Strike: "11 and 12"
Insert: "16 and 18"

And, as amended, be concurred in.

LOCAL GOVERNMENT (Gauthier, Chair): 4/23/2021
HJ 30, be concurred in.

Without objection, committee reports are adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 276**
Report No. 001, April 22, 2021

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 276** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 276** (reference copy -- salmon) be amended as follows:

1. Title, line 4.
Following: "ADDING"
Strike: "TWO"
Following: "~~LICENSED~~"
Insert: "A"

2. Title, line 5.
Strike: "SPECIALISTS"
Insert: "SPECIALIST"

3. Page 1, line 13.
Strike: "NINE"
Insert: "10"

4. Page 1, line 14.
Strike: "TWO"
Insert: "Three"

5. Page 1, line 14.
Strike: "TWO"
Insert: "three"

6. Page 1, line 20.
Strike: "Two members"
Insert: "One member"

7. Page 1, line 20.
Following: "be"
Insert: "a"

8. Page 1, line 20.
Strike: "specialists"
Insert: "specialist"

9. Page 2, line 16.
Strike: "nine"
Insert: "11"

10. Page 2, line 17.
Strike: "Two"
Insert: "Three"

11. Page 2, line 17.
Strike: "two"
Insert: "three"

For the Senate:	For the House:
McGillvray, Chair	Lenz, Vice Chair
Glimm	Caferro
Gross	Gillette

MESSAGES FROM THE GOVERNOR

April 22, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, MT 59601

Dear President Blasdel:

On Thursday, April 22nd, I signed the following bills:

Senate Bill 4 - Small
Senate Bill 72 - Regier
Senate Bill 168 - Fitzpatrick
Senate Bill 171 - Friedel
Senate Bill 175 - Kary
Senate Bill 178 - Friedel
Senate Bill 196 - McGillvray
Senate Bill 211 - Fitzpatrick
Senate Bill 215 - Glimm
Senate Bill 217 - Small
Senate Bill 222 - Gauthier
Senate Bill 226 - Fitzpatrick

Senate Bill 240 - Manzella
Senate Bill 275 - Welborn

The bills have been delivered to the Secretary of State.

Sincerely,

GREG GIANFORTE
Governor

April 23, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, MT 59601

Dear President Blasdel:

On Friday, April 23rd, I signed the following bills:

Senate Bill 20 - Cohenour
Senate Bill 230 - Lang
Senate Bill 267 - Brown
Senate Bill 277 - McGillvray

The bills have been delivered to the Secretary of State.

Sincerely,

GREG GIANFORTE
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/22/2021

SB 76, introduced by D. Salomon
SB 81, introduced by K. Regier
SB 203, introduced by K. Bogner
SB 232, introduced by T. Gauthier
SB 285, introduced by S. Hinebauch
SB 336, introduced by C. Friedel

SB 374, introduced by C. Smith
SB 376, introduced by G. Hertz
SB 378, introduced by S. Fitzpatrick
SB 392, introduced by G. Vance
SB 396, introduced by B. Hoven

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/22/2021

SB 116, introduced by D. Ankney
SB 320, introduced by E. Boldman
SB 395, introduced by G. Hertz

Senate amendments to House bills concurred in: 4/22/2021

HB 66, introduced by T. Moore
HB 167, introduced by M. Regier
HB 426, introduced by D. Lenz
HB 449, introduced by F. Garner
HB 450, introduced by S. Gunderson
HB 459, introduced by D. Lenz
HB 478, introduced by D. Harvey
HB 479, introduced by K. Sullivan
HB 503, introduced by D. Lenz
HB 539, introduced by B. Usher
HB 616, introduced by M. Hopkins

Senate amendments to House joint resolution concurred in: 4/22/2021

HJ 4, introduced by M. Caferro

Senate bill not concurred in and returned to the Senate: 4/22/2021

SB 153, introduced by J. Welborn

HB 230 - The House failed to concur in Senate amendments and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **HB 230:**

4/22/2021

Representative A. Regier, Vice Chair
Representative Funk
Representative Whitman

HB 483 - The House failed to concur in Senate amendments and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **HB 483:**

4/22/2021

Representative C. Knudsen, Vice Chair
Representative Garner
Representative Harvey

SB 40 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 40:**

4/22/2021

Representative R. Knudsen, Vice Chair
Representative Curdy
Representative Fielder

SB 231 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 231:**

4/22/2021

Representative Malone, Vice Chair
Representative Harvey
Representative Walsh

SB 278 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 278:**

4/22/2021

Representative Buttrey, Vice Chair
Representative Berglee
Representative Farris-Olsen

HB 632 - The House dissolved the Conference Committee on Senate amendments to **HB 632**, and authorized the Speaker to appoint the following **Free** Conference Committee to confer on Senate amendments to **HB 632:**

4/22/2021

Representative Garner, Vice Chair
Representative Bartel
Representative Keane

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 87, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 36

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 142, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 149, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 224, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 272, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 284, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 18, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 300 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.
Total 43

Nays: Cohenour, Gross, Jacobson, Lynch, Morigeau, Pomnichowski, Sweeney.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 158 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 42

Nays: Boland, Cohenour, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 8

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 325 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 367 failed (due to 2/3 vote requirement) as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fox, Gross, Hoven, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 593 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Mr. President.
Total 41

Nays: Boland, Cohenour, Gross, Hoven, Jacobson, Morigeau, Sweeney, Webber, Welborn.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 606 concurred in as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 42

Nays: Bennett, Boland, Cohenour, Ellis, Gross, McClafferty, Pomnichowski, Webber.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 620 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.

Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 625 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 635 failed (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 648 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Keenan, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 17

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 667 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Esp, Smith C.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 691 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 702 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 709 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes, made by Senator Flowers under Motions.

HB 112 concurred in as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Mr. President.
Total 27

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber, Welborn.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Salomon in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Cuffe excused at this time.

SJ 32 - Majority Leader Smith moved consideration of **SJ 32** be passed for the day. Without objection, so ordered.

SJ 30 - Majority Leader Smith moved consideration of **SJ 30** be passed for the day. Without objection, so ordered.

HJ 671 - Majority Leader Smith moved consideration of **HJ 671** be placed at the bottom of the second reading agenda. Without objection, so ordered.

HJ 701 - Majority Leader Smith moved consideration of **HJ 701** be placed as item #11 on the second reading agenda. Without objection, so ordered.

SJ 31 - Senator Boldman moved **SJ 31** do pass.

SJ 31 - Senator Fitzpatrick moved **SJ 31**, second reading copy, be amended as follows:

1. Page 1, line 6 through line 8.
Strike: "AND" on line 6 through "IMPLEMENTATION" on line 8

2. Page 1, line 20 through line 24.
Strike: "; and" on line 20 through "operations" on line 24

3. Page 2, line 5.
Following: "collections;"
Insert: "and"

4. Page 2, line 6 through line 8.
Strike: subsections (b) and (c) in their entirety

5. Page 2, line 9.
Strike: "(d)"
Insert: "(b)"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

SJ 31 - As amended, **SJ 31** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Keenan, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 40

Nays: Cuffe, Esp, Glimm, Hinebauch, Howard, Kary, Manzella, McGillvray, Smith C, Vance.
Total 10

Voted absentee: Cuffe, No.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 4 - Senator Osmundson moved **HB 4** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Esp, Keenan, Manzella.
Total 3

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 330 - Senator Osmundson moved **HB 330** be concurred in.

HB 330 - Senator Molnar moved **HB 330**, second reading copy, be amended as follows:

1. Title, line 10.
Following: "STUDIES;"
Insert: "PROVIDING CERTAIN MEDICAID SERVICES ARE NOT SUBJECT TO A REDUCTION IN SPENDING BY THE GOVERNOR DURING A PROJECTED GENERAL FUND BUDGET DEFICIT;"

2. Page 4, line 9.
Following: "office;"
Strike: "and"

3. Page 4, line 10.
Following: "blind"
Insert: "; and
(g) medicaid services for persons with disabilities and the elderly provided by the divisions within the department of public health and human services for addictive and mental disorders, developmental disabilities, and senior and long-term care"

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Keenan, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber.
Total 24

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Welborn, Mr. President.
Total 26

Voted absentee: Cuffe, No.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 330 - Thereupon, the Senate reverted to the original motion of Senator Osmundson which passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Gross, Keenan, Manzella.
Total 3

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 357 - Senator Osmundson moved **HB 357** be concurred in. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 48

Nays: Vance.
Total 1

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: Ankney.
Total 1

HB 663 - Senator Osmundson moved **HB 663** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: McGillvray.
Total 1

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 678 - Senator Welborn moved **HB 678** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 45

Nays: Esp, Hinebauch, Keenan, Manzella, Vance.
Total 5

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 655 - Senator Friedel moved **HB 655** be concurred in. Motion carried as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Lang, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Keenan, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 23

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 629 - President Blasdel moved **HB 629** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lynch, McNally, Morigeau, O'Brien, Osmundson, Pope, Sales, Salomon, Small, Smith C, Sweeney, Webber, Welborn, Mr. President.
Total 35

Nays: Bogner, Boland, Esp, Hinebauch, Keenan, Lang, Manzella, McClafferty, McGillvray, Molnar, Pomnichowski, Regier K, Sands, Tempel, Vance.
Total 15

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 178 - **Conference Committee Report No. 1** - Senator Ellsworth moved the Conference Committee report to **HB 178** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 49

Nays: Vance.
Total 1

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 701 - Majority Leader Smith moved consideration of **HB 701** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 403 - Senator Morigeau moved **HB 403** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gross, Hertz, Hoven, Jacobson, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 33

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Gillespie, Glimm, Hinebauch, Howard, Kary, Keenan, Manzella, McGillvray, Osmundson, Smith C, Vance, Mr. President.
Total 17

Voted absentee: Cuffe, No.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

SB 306 - **Conference Committee Report No. 1** - Senator Lang moved the Conference Committee report to **SB 306** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 502 - **Free Conference Committee Report No. 1** - Senator McGillvray moved the Free Conference Committee report to **HB 502** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, Molnar, Osmundson, Pomnichowski, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 38

Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Jacobson, Lynch, McNally, Morigeau, O'Brien, Pope, Webber.
Total 12

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

SB 319 - **House Amendments** - Senator Hertz moved House amendments to **SB 319** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Pomnichowski, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

SB 172 - **House Amendments** - Senator Howard moved House amendments to **SB 172** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 38

Nays: Bennett, Boland, Boldman, Cohenour, Fox, Jacobson, Lynch, Morigeau, Pomnichowski, Pope, Sands, Webber.
Total 12

Voted absentee: Cuffe, Aye.

Excused: Cuffe.

Total 1

Absent or not voting: None.
Total 0

SB 183 - **House Amendments** - Senator Hertz moved House amendments to **SB 183** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

SB 220 - **House Amendments** - Senator Cohenour moved House amendments to **SB 220** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 39

Nays: Bennett, Boldman, Ellis, Gross, McClafferty, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 11

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.

Total 0

SB 316 - **House Amendments** - Senator Fitzpatrick moved House amendments to **SB 316** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 36

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Pomnichowski, Pope, Sands, Webber.
Total 14

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

SB 357 - **House Amendments** - Senator Gross moved House amendments to **SB 357** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 701 - Majority Leader Smith moved consideration of **HB 701** be placed at the top of the second reading agenda. Without objection, so ordered.

HB 701 - Senator Small moved **HB 701** be concurred in.

HB 701 - Senator Ellsworth moved **HB 701**, second reading copy, be amended as follows:

1. Page 53, line 24.
Following: "mandatory"
Strike: "cashless OR"

2. Page 53, line 25.
Following: "a"
Strike: "cashless OR"

3. Page 53, line 28.
Following: "The"
Strike: "cashless or"

4. Page 54, line 4.
Following: "the"
Strike: "cashless or"

5. Page 72, line 6.
Strike: "proves by clear and convincing evidence that"
Insert: "provides the court with a reasonable basis on which"

6. Page 73, line 5.
Following: "by"
Insert: "or had an application pending with"

7. Page 162, line 9.
Strike: "(8)"
Insert: "(10)"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 47

Nays: McGillvray, Smith C, Vance.

Total 3

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 701 - As amended, **HB 701** was concurred in as follows:

Yeas: Ankney, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 34

Nays: Bennett, Bogner, Cuffe, Esp, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, McGillvray, Osmundson, Smith C, Vance.
Total 16

Voted absentee: Cuffe, No.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No, made by Senator Molnar under Motions.

HB 703 - Senator Glimm moved **HB 703** be concurred in.

HB 703 - Senator Glimm moved **HB 703**, second reading copy, be amended as follows:

1. Page 3, line 3.
Strike: "A PRIVATELY OR PUBLICLY OPERATED"
Insert: "an assisted living facility or a"

2. Page 3, line 4 through line 5.
Strike: "THAT" on line 4 through "WITH" on line 5
Insert: "if the facility is required by"

3. Page 3, line 5 through line 6.

Strike: "THAT" on line 5 through "FACILITY" on line 6

4. Page 3, line 6 through line 7.
Strike: "IF THE" on line 6 through "ACTION" on line 7

5. Page 3, line 8 through line 9.
Strike: "AND IDENTIFIED" on line 8 through "DEFICIENCY" on line 9

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Small, Smith C, Tempel, Vance, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Friedel, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Webber, Welborn.
Total 23

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 703 - As amended, **HB 703 failed** as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 22

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Friedel, Gauthier, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 28

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No, made by Senator Gauthier under Motions.

HB 703 - Majority Leader Smith moved **HB 703** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Webber, Welborn.
Total 27

Nays: Bogner, Brown, Ellsworth, Esp, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Small, Smith C, Vance, Mr. President.
Total 22

Voted absentee: None.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

Senator Blasdel assumed the chair.

HB 671 - Senator Salomon moved **HB 671** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 43

Nays: Esp, Glimm, Hinebauch, Keenan, Manzella, Smith C, Vance.
Total 7

Voted absentee: Cuffe, Aye.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Salomon moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 40

Nays: Bogner, Boland, Glimm, Hinebauch, Keenan, Manzella, McGillvray, Pomnichowski, Pope.
Total 9

Voted absentee: None.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

HB 701 - Majority Leader Smith moved that **HB 701**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

HB 629 - Majority Leader Smith moved that **HB 629**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

HB 230 - Majority Leader Smith moved the Senate accede to the request of the House and appoint a Free Conference Committee to confer with the House on **HB 230**. Without objection, so ordered. President Blasdel appointed Senator Howard, Chair, and Senators Regier and Sands.

HB 483 - Majority Leader Smith moved the Senate accede to the request of the House and appoint a Free Conference Committee to confer with the House on **HB 483**. Without objection, so ordered. President Blasdel appointed Senator Vance, Chair, and Senators Bennett and Smith.

HB 703 - Senator Gauthier moved to change his second reading vote on **HB 703** from Yes to No. Without objection, so ordered.

HB 694 - Senator Friedel moved the Senate reconsider its action on **HB 694**, indefinitely postponed the previous legislative day. Motion **failed** as follows:

Yeas: Ankney, Bogner, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Hertz, Hinebauch, Howard, Kary, Lang, McGillvray, Sales, Salomon, Small, Smith C, Welborn, Mr. President.
Total 20

Nays: Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Glimm, Gross, Hoven, Jacobson, Keenan, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sands, Sweeney, Tempel, Vance, Webber.
Total 29

Voted absentee: None.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 329 - Senator Salomon moved that **HB 329** be taken from the Education and Cultural Resources Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Bennett, Bogner, Brown, Ellsworth, Fitzpatrick, Gauthier, Glimm, Hertz, Manzella, McGillvray, Molnar, Osmundson, Salomon, Smith C, Mr. President.
Total 15

Nays: Ankney, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Friedel, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn.
Total 34

Voted absentee: None.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

HB 709 - Senator Flowers moved to change his third reading vote on **HB 709** from No to Yes. Without objection, so ordered.

HB 487 - Senator Ankney moved that **HB 487** be taken from the Public Health, Welfare and Safety Committee and be placed on second reading the next legislative day. Motion failed as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.
Total 24

Nays: Bogner, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 25

Voted absentee: None.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

Senate recessed at 3:02 p.m. and reconvened at 4:02 p.m., President Blasdel presiding.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/23/2021
HB 701, be concurred in.

JUDICIARY (Regier, Chair): 4/23/2021
SR 47, be adopted.

NATURAL RESOURCES (Welborn, Chair): 4/23/2021
HB 695, be amended as follows:

1. Title, line 7.
Following: line 6
Insert: "PROHIBITING THE PUBLIC SERVICE COMMISSION FROM DENYING CERTAIN POWER REPLACEMENT COSTS RESULTING FROM ENVIRONMENTAL REGULATION;

PROHIBITING THE PROHIBITION OF NUCLEAR POWER FACILITIES UNDER CERTAIN CIRCUMSTANCES;"

2. Title, line 8.
Strike: "SECTION"
Insert: "SECTIONS 69-3-331 AND"

3. Page 1.
Following: line 10
Insert: "**Section 1.** Section 69-3-331, MCA, is amended to read:
"**69-3-331. Cost tracking and recovery.** (1) ~~If~~ Except as provided in [section 2], if the commission approves a cost-tracking adjustment for a public utility regulated in accordance with chapter 8 or under this chapter, the cost-tracking adjustment must provide for:
(a) identical treatment of public utilities subject to chapter 8 or this chapter;
(b) 90% customer and 10% shareholder sharing of costs, if cost sharing is required; and
(c) full recovery of costs incurred by a public utility as a result of qualifying small power production facility purchase requirements established in Title 69, chapter 3, part 6.
(2) A cost-tracking adjustment may not include a deadband.
(3) For the purposes of this section, "deadband" means a level of cost recovery variance, including levels of underrecoveries and overrecoveries to be borne by the public utility.""
Insert: "NEW SECTION. **Section 2. Replacement power costs -- prohibition against denial.** The commission shall allow a utility to fully recover replacement power costs arising from the operation of coal-fired generating units if the replacement costs are attributable to power outages or reduced generation at the units because of:
(1) testing of the generating unit or units to determine if the unit or units comply with environmental regulations, laws, or permit requirements; or
(2) work or repairs necessary to bring the generating unit or units into compliance with environmental regulations, laws, or permit requirements. "
Insert: "NEW SECTION. **Section 3. Nuclear power facilities -- denial prohibited -- circumstances.** The state may not deny a permit or application for a nuclear power facility because federal regulations do not provide for a permanent repository for nuclear waste."
Renumber: subsequent sections

4. Page 6.
Following: line 16
Insert: "NEW SECTION. **Section 5. Codification instruction**. (1) [Section 2] is intended to be codified as an integral part of Title 69, chapter 3, part 3, and the provisions of Title 69, chapter 3, part 3, apply to [section 2].
(2) [Section 3] is intended to be codified as an integral part of Title 75, chapter 10, and the provisions of Title 75, chapter 10, apply to [section 3]."

And, as amended, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/23/2021
SJ 35, do pass.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 63**
Report No. 001, April 23, 2021

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 63** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 63** (reference copy -- salmon) be amended as follows:

1. Title, line 8.
Following: "~~AND~~"
Strike: "DEFINING CERTAIN UNFAIR TRADE PRACTICES RELATING TO LIFE INSURANCE;"

2. Title, line 10 through line 11.
Following: the first "DATE" on line 10
Strike: "," on line 10 through "DATE" on line 11

3. Page 6, line 22 through page 7, line 19.
Strike: section 4 in its entirety
Renumber: subsequent sections

4. Page 16, line 12 through line 13.
Strike: section 10 in its entirety
Renumber: subsequent sections

5. Page 16, line 17 through line 21.
Strike: sections 12 and 13 in their entirety

For the Senate:

Fitzpatrick, Chair
Gauthier
Pope

For the House:

Dooling, Vice Chair
Sullivan
Vinton

FREE CONFERENCE COMMITTEE
on **House Bill 525**
Report No. 001, April 23, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 525** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 525** (reference copy -- salmon) be amended as follows:

1. Page 3, line 10.
Following: "same"
Strike: "OR AN ADJACENT"

For the Senate:

Fitzpatrick, Chair
Jacobson
Small

For the House:

Buttrey, Vice Chair
Galt
Sullivan

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/23/2021

SB 51, introduced by J. Ellsworth
SB 212, introduced by R. Osmundson

Senate amendments to House bills concurred in: 4/23/2021

HB 92, introduced by K. Kelker
HB 358, introduced by B. Mercer
HB 365, introduced by J. Trebas
HB 444, introduced by E. Buttrey
HB 462, introduced by M. Stromswold
HB 501, introduced by J. Trebas
HB 559, introduced by B. Mercer

Conference Committee Report No.1 adopted: 4/23/2021

SB 39, introduced by K. Regier
HB 20, introduced by B. Beard
HB 112, introduced by J. Fuller

Free Conference Committee Report No.1 adopted: 4/23/2021

SB 300, introduced by C. Glimm

HB 5 - The House failed to concur in Senate amendments and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **HB 5:**

4/23/2021

Representative Jones, Vice Chair
Representative Hamilton
Representative Hopkins

HB 506 - The House failed to concur in Senate amendments and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **HB 506:**

4/23/2021

Representative Fielder, Vice Chair
Representative C. Knudsen
Representative Running Wolf

HB 640 - The House failed to concur in Senate amendments and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **HB 640:**

4/23/2021

Representative Hopkins, Vice Chair
Representative Novak
Representative Tschida

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Blasdel in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Ellis arose on a point of personal privilege and informed the Senate that she was expecting an amendment to **HB 693** which was not yet distributed. Senate stood at ease awaiting the final amendment and continued with second reading at 4:33 p.m.

HB 693 - Senator Osmundson moved **HB 693** be concurred in.

HB 693 - Senator Ellis moved **HB 693**, second reading copy, be amended as follows:

1. Title, line 12.
Following: line 11
Strike: "REQUIRING THE INVESTIGATION OF CERTAIN ORGANIZATIONS BY THE DEPARTMENT OF JUSTICE;"

2. Page 8, line 26 through page 9, line 21.
Strike: section 6 in its entirety
Renumber: subsequent subsections

Amendment **not** adopted as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 21

Nays: Ankney, Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 693 - Thereupon, the Senate reverted to the original motion of Senator Osmundson which passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Lang, Lynch, Manzella, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Keenan, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 22

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No, made by Senator McGillvray under Motions.

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Majority Leader Smith moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, Lynch, Manzella, McGillvray, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Keenan, McClafferty, McNally, Molnar, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

HB 701 - Majority Leader Smith moved that **HB 701** be added to the third reading agenda. Without objection, so ordered.

HB 693 - Majority Leader Smith moved that **HB 693** be added to the third reading agenda. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 31 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gross, Hertz, Hoven, Jacobson, Keenan, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn, Mr. President.
Total 37

Nays: Esp, Gillespie, Glimm, Hinebauch, Howard, Kary, Lang, Manzella, McGillvray, Osmundson, Smith C, Tempel, Vance.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 172, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 183, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Keenan, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 220, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 37

Nays: Bennett, Boldman, Ellis, Gross, Lynch, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 357, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 306 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Keenan, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 178 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 49

Nays: Vance.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 502, concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 4 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Esp, Keenan, Manzella.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 330 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Gross, Keenan, Manzella, Molnar.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 357 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Keenan.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 403 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Friedel, Gauthier, Gross, Hertz, Hoven, Jacobson, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 30

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gillespie, Glimm, Hinebauch, Howard, Kary, Keenan, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Welborn, Mr. President.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 655 concurred in as follows:

Yeas: Ankney, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Lang, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Keenan, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 663 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McNally, Molnar,

Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Fox, McGillvray.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 671 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 42

Nays: Esp, Glimm, Hinebauch, Hoven, Keenan, Manzella, McGillvray, Vance.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 678 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 43

Nays: Esp, Hinebauch, Hoven, Keenan, Manzella, Molnar, Vance.

Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 701 concurred in as follows:

Yeas: Ankney, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 34

Nays: Bennett, Bogner, Esp, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, McGillvray, Molnar, Osmundson, Pope, Smith C, Vance.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes, made by Senator O'Brien under Motions, and a change of vote from Yes to No, made by Senator Molnar under Motions.

HB 693 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Lang, Lynch, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Keenan, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No, made by Senator McGillvray under Motions.

MOTIONS

HB 5 - Majority Leader Smith moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 5**. Without objection, so ordered. President Blasdel appointed Senator Cuffe, Chair, and Senators Boldman and Osmundson.

HB 506 - Majority Leader Smith moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 506**. Without objection, so ordered. President Blasdel appointed Senator Hertz, Chair, and Senators Bennett and Fitzpatrick.

HB 640 - Majority Leader Smith moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 640**. Without objection, so ordered. President Blasdel appointed Senator Ellsworth, Chair, and Senators Boldman and Vance.

SB 316 - Majority Leader Smith moved the Senate appoint a **Free** Conference Committee on **SB 316** and request the House appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Fitzpatrick, Chair, and Senators Boland and Gauthier.

SB 319 - Majority Leader Smith moved the Senate appoint a **Free** Conference Committee on **SB 319** and request the House appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Hertz, Chair, and Senators Bennett and Fitzpatrick.

HB 701 - Senator O'Brien moved to change her third reading vote on **HB 701** from No to Yes. Without objection, so ordered.

HB 530 - Senator Fitzpatrick moved that **HB 530** be taken from the State Administration Committee and placed on second reading the next legislative day. Motion passed as follows:

Yeas: Ankney, Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Small, Smith C, Welborn, Mr. President.
Total 26

Nays: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Vance, Webber.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 285 - Senator Fitzpatrick moved that **HB 285** be taken from the Judiciary Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Ankney, Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Manzella, Osmundson, Regier K, Salomon, Small, Smith C, Welborn, Mr. President.
Total 24

Nays: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gillespie, Gross, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Sands, Sweeney, Tempel, Vance, Webber.
Total 26

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 701 - Senator Molnar moved to change his third reading vote on **HB 701** from Yes to No. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/23/2021
HB 191, be amended as follows:

1. Title, line 9.
Strike: "AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE"

Insert: "EFFECTIVE DATES AND TERMINATION DATES"

2. Page 2.
Following: line 25
Insert: "**Section 2.** Section 15-30-2337, MCA, is amended to read:
"**15-30-2337. Residential property tax credit for elderly -- definitions.** As used in 15-30-2337 through 15-30-2341, the following definitions apply:
(1) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.
(2) "Claimant" means a person who is eligible to file a claim under 15-30-2338.
(3) "Department" means the department of revenue.
(4) "Gross household income" means all income received by all individuals of a household while they are members of the household.
(5) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.
(6) "Homestead" means:
(a) a single-family dwelling or unit of a multiple-unit dwelling that is subject to property taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling; or
(b) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15.
(7) (a) "Household" means an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses.
(b) The term does not include bona fide lessees, tenants, or roomers and boarders on contract.
(8) "Household income" means the amount obtained by subtracting ~~$6,300~~ $12,600 from gross household income.
(9) (a) "Income" means, except as provided in subsection (9)(b), federal adjusted gross income, without regard to loss, as that quantity is defined in the Internal Revenue Code of the United States, plus all nontaxable income, including but not limited to:
(i) the amount of any pension or annuity, including Railroad Retirement Act benefits and veterans' disability benefits;
(ii) the amount of capital gains excluded from adjusted gross income;
(iii) alimony;
(iv) support money;
(v) nontaxable strike benefits;
(vi) cash public assistance and relief;
(vii) interest on federal, state, county, and municipal bonds; and
(viii) all payments received under federal social security except social security income paid directly to a nursing home.
(b) For the purposes of this subsection (9), income is reduced by the taxpayer's basis.
(10) "Property tax billed" means taxes levied against the homestead, including special assessments and fees but excluding penalties or interest during the claim period.
(11) "Rent-equivalent tax paid" means 15% of the gross rent.""
Insert: "**Section 3.** Section 15-30-2337, MCA, is amended to read:

"**15-30-2337. Residential property tax credit for elderly -- definitions.** As used in 15-30-2337 through 15-30-2341, the following definitions apply:
(1) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.
(2) "Claimant" means a person who is eligible to file a claim under 15-30-2338.
(3) "Department" means the department of revenue.
(4) "Gross household income" means all income received by all individuals of a household while they are members of the household.
(5) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.
(6) "Homestead" means:
(a) a single-family dwelling or unit of a multiple-unit dwelling that is subject to property taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling; or
(b) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15.
(7) (a) "Household" means an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses.
(b) The term does not include bona fide lessees, tenants, or roomers and boarders on contract.
(8) "Household income" means the amount obtained by subtracting ~~$6,300~~ $12,600 from gross household income.
(9) (a) "Income" means, except as provided in subsection (9)(b), federal adjusted gross income, without regard to loss, as that quantity is defined in the Internal Revenue Code of the United States, plus all nontaxable income, including but not limited to:
(i) the amount of any pension or annuity, including Railroad Retirement Act benefits and veterans' disability benefits;
(ii) the amount of capital gains excluded from adjusted gross income;
(iii) alimony;
(iv) support money;
(v) nontaxable strike benefits;
(vi) cash public assistance and relief;
(vii) interest on federal, state, county, and municipal bonds; and
(viii) all payments received under federal social security except social security income paid directly to a nursing home.
(b) For the purposes of this subsection (9), income is reduced by the taxpayer's basis.
(10) "Property tax billed" means taxes levied against the homestead, including special assessments and fees but excluding penalties or interest during the claim period.
(11) "Rent-equivalent tax paid" means 15% of the gross rent.""
Insert: "**Section 4.** Section 15-30-2337, MCA, is amended to read:
"**15-30-2337. Residential property tax credit for elderly -- definitions.** As used in 15-30-2337 through 15-30-2341, the following definitions apply:
(1) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.
(2) "Claimant" means a person who is eligible to file a claim under 15-30-2338.

(3) "Department" means the department of revenue.
(4) "Gross household income" means all income received by all individuals of a household while they are members of the household.
(5) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.
(6) "Homestead" means:
(a) a single-family dwelling or unit of a multiple-unit dwelling that is subject to property taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling; or
(b) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15.
(7) (a) "Household" means an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses.
(b) The term does not include bona fide lessees, tenants, or roomers and boarders on contract.
(8) "Household income" means the amount obtained by subtracting ~~$6,300~~ $12,600 from gross household income.
(9) (a) "Income" means, except as provided in subsection (9)(b), federal adjusted gross income, without regard to loss, as that quantity is defined in the Internal Revenue Code of the United States, plus all nontaxable income, including but not limited to:
(i) the amount of any pension or annuity, including Railroad Retirement Act benefits and veterans' disability benefits;
(ii) the amount of capital gains excluded from adjusted gross income;
(iii) alimony;
(iv) support money;
(v) nontaxable strike benefits;
(vi) cash public assistance and relief;
(vii) interest on federal, state, county, and municipal bonds; and
(viii) all payments received under federal social security except social security income paid directly to a nursing home.
(b) For the purposes of this subsection (9), income is reduced by the taxpayer's basis.
(10) "Property tax billed" means taxes levied against the homestead, including special assessments and fees but excluding penalties or interest during the claim period.
(11) "Rent-equivalent tax paid" means 15% of the gross rent.""
Insert: "**Section 5.** Section 15-30-2337, MCA, is amended to read:
"**15-30-2337. Residential property tax credit for elderly -- definitions.** As used in 15-30-2337 through 15-30-2341, the following definitions apply:
(1) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.
(2) "Claimant" means a person who is eligible to file a claim under 15-30-2338.
(3) "Department" means the department of revenue.
(4) "Gross household income" means all income received by all individuals of a household while they are members of the household.

(5) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.
(6) "Homestead" means:
(a) a single-family dwelling or unit of a multiple-unit dwelling that is subject to property taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling; or
(b) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15.
(7) (a) "Household" means an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses.
(b) The term does not include bona fide lessees, tenants, or roomers and boarders on contract.
(8) "Household income" means the amount obtained by subtracting ~~$6,300~~ $12,600 from gross household income.
(9) (a) "Income" means, except as provided in subsection (9)(b), federal adjusted gross income, without regard to loss, as that quantity is defined in the Internal Revenue Code of the United States, plus all nontaxable income, including but not limited to:
(i) the amount of any pension or annuity, including Railroad Retirement Act benefits and veterans' disability benefits;
(ii) the amount of capital gains excluded from adjusted gross income;
(iii) alimony;
(iv) support money;
(v) nontaxable strike benefits;
(vi) cash public assistance and relief;
(vii) interest on federal, state, county, and municipal bonds; and
(viii) all payments received under federal social security except social security income paid directly to a nursing home.
(b) For the purposes of this subsection (9), income is reduced by the taxpayer's basis.
(10) "Property tax billed" means taxes levied against the homestead, including special assessments and fees but excluding penalties or interest during the claim period.
(11) "Rent-equivalent tax paid" means 15% of the gross rent.""
Renumber: subsequent sections

3. Page 4.
Following: line 5
Insert: "**Section 7.** Section 15-30-2340, MCA, is amended to read:
"**15-30-2340. Residential property tax credit for elderly -- computation of relief.** The amount of the tax credit granted under the provisions of 15-30-2337 through 15-30-2341 is computed as follows:
(1) In the case of a claimant who owns the homestead for which a claim is made, the credit is the amount of property tax billed less the deduction specified in subsection (4).
(2) In the case of a claimant who rents the homestead for which a claim is made, the credit is the amount of rent-equivalent tax paid less the deduction specified in subsection (4).
(3) In the case of a claimant who both owns and rents the homestead for which a claim is made, the credit is:

(a) the amount of property tax billed on the owned portion of the homestead less the deduction specified in subsection (4); plus
(b) the amount of rent-equivalent tax paid on the rented portion of the homestead less the deduction specified in subsection (4).
(4) Property tax billed and rent-equivalent tax paid are reduced according to the following schedule:

Household income	Amount of reduction
$0 - $999	$0
$1,000 - $1,999	$0
$2,000 - $2,999	the product of .006 times the household income
$3,000 - $3,999	the product of .016 times the household income
$4,000 - $4,999	the product of .024 times the household income
$5,000 - $5,999	the product of .028 times the household income
$6,000 - $6,999	the product of .032 times the household income
$7,000 - $7,999	the product of .035 times the household income
$8,000 - $8,999	the product of .039 times the household income
$9,000 - $9,999	the product of .042 times the household income
$10,000 - $10,999	the product of .045 times the household income
$11,000 - $11,999	the product of .048 times the household income
$12,000 & over	the product of .050 times the household income

(5) For a claimant whose household income is $35,000 or more but less than $45,000, the amount of the credit is equal to the credit calculated under this section multiplied by the decimal equivalent of a percentage figure according to the following table:

Gross household income	Percentage of credit allowed
$35,000 - $37,500	40%
$37,501 - $40,000	30%
$40,001 - $42,500	20%
$42,501 - $44,999	10%

$45,000 or more	0%

(6) The credit granted may not exceed ~~$1,000~~ $1,150.
(7) Relief under 15-30-2337 through 15-30-2341 is a credit against the claimant's Montana individual income tax liability for the claim period. If the amount of the credit exceeds the claimant's liability under this chapter, the amount of the excess must be refunded to the claimant. The credit may be claimed even though the claimant has no income taxable under this chapter.""
Insert: "**Section 8.** Section 15-30-2340, MCA, is amended to read:
"**15-30-2340. Residential property tax credit for elderly -- computation of relief.** The amount of the tax credit granted under the provisions of 15-30-2337 through 15-30-2341 is computed as follows:
(1) In the case of a claimant who owns the homestead for which a claim is made, the credit is the amount of property tax billed less the deduction specified in subsection (4).
(2) In the case of a claimant who rents the homestead for which a claim is made, the credit is the amount of rent-equivalent tax paid less the deduction specified in subsection (4).
(3) In the case of a claimant who both owns and rents the homestead for which a claim is made, the credit is:
(a) the amount of property tax billed on the owned portion of the homestead less the deduction specified in subsection (4); plus
(b) the amount of rent-equivalent tax paid on the rented portion of the homestead less the deduction specified in subsection (4).
(4) Property tax billed and rent-equivalent tax paid are reduced according to the following schedule:

Household income	Amount of reduction
$0 - $999	$0
$1,000 - $1,999	$0
$2,000 - $2,999	the product of .006 times the household income
$3,000 - $3,999	the product of .016 times the household income
$4,000 - $4,999	the product of .024 times the household income
$5,000 - $5,999	the product of .028 times the household income
$6,000 - $6,999	the product of .032 times the household income
$7,000 - $7,999	the product of .035 times the household income
$8,000 - $8,999	the product of .039 times the household income

$9,000 - $9,999	the product of .042 times the household income
$10,000 - $10,999	the product of .045 times the household income
$11,000 - $11,999	the product of .048 times the household income
$12,000 & over	the product of .050 times the household income

(5) For a claimant whose household income is $35,000 or more but less than $45,000, the amount of the credit is equal to the credit calculated under this section multiplied by the decimal equivalent of a percentage figure according to the following table:

Gross household income	Percentage of credit allowed
$35,000 - $37,500	40%
$37,501 - $40,000	30%
$40,001 - $42,500	20%
$42,501 - $44,999	10%
$45,000 or more	0%

(6) The credit granted may not exceed ~~$1,000~~ $1,150.

(7) Relief under 15-30-2337 through 15-30-2341 is a credit against the claimant's Montana individual income tax liability for the claim period. If the amount of the credit exceeds the claimant's liability under this chapter, the amount of the excess must be refunded to the claimant. The credit may be claimed even though the claimant has no income taxable under this chapter.""

Insert: "**Section 9.** Section 15-30-2340, MCA, is amended to read:

"**15-30-2340. Residential property tax credit for elderly -- computation of relief.** The amount of the tax credit granted under the provisions of 15-30-2337 through 15-30-2341 is computed as follows:

(1) In the case of a claimant who owns the homestead for which a claim is made, the credit is the amount of property tax billed less the deduction specified in subsection (4).

(2) In the case of a claimant who rents the homestead for which a claim is made, the credit is the amount of rent-equivalent tax paid less the deduction specified in subsection (4).

(3) In the case of a claimant who both owns and rents the homestead for which a claim is made, the credit is:

(a) the amount of property tax billed on the owned portion of the homestead less the deduction specified in subsection (4); plus

(b) the amount of rent-equivalent tax paid on the rented portion of the homestead less the deduction specified in subsection (4).

(4) Property tax billed and rent-equivalent tax paid are reduced according to the following schedule:

Household income	Amount of reduction
$0 - $999	$0
$1,000 - $1,999	$0
$2,000 - $2,999	the product of .006 times the household income
$3,000 - $3,999	the product of .016 times the household income
$4,000 - $4,999	the product of .024 times the household income
$5,000 - $5,999	the product of .028 times the household income
$6,000 - $6,999	the product of .032 times the household income
$7,000 - $7,999	the product of .035 times the household income
$8,000 - $8,999	the product of .039 times the household income
$9,000 - $9,999	the product of .042 times the household income
$10,000 - $10,999	the product of .045 times the household income
$11,000 - $11,999	the product of .048 times the household income
$12,000 & over	the product of .050 times the household income

(5) For a claimant whose household income is $35,000 or more but less than $45,000, the amount of the credit is equal to the credit calculated under this section multiplied by the decimal equivalent of a percentage figure according to the following table:

Gross household income	Percentage of credit allowed
$35,000 - $37,500	40%
$37,501 - $40,000	30%
$40,001 - $42,500	20%
$42,501 - $44,999	10%
$45,000 or more	0%

(6) The credit granted may not exceed ~~$1,000~~ $1,150.

(7) Relief under 15-30-2337 through 15-30-2341 is a credit against the claimant's Montana individual income tax liability for the claim period. If the amount of the credit exceeds the

claimant's liability under this chapter, the amount of the excess must be refunded to the claimant. The credit may be claimed even though the claimant has no income taxable under this chapter.""

Insert: "**Section 10.** Section 15-30-2340, MCA, is amended to read:

"**15-30-2340. Residential property tax credit for elderly -- computation of relief.** The amount of the tax credit granted under the provisions of 15-30-2337 through 15-30-2341 is computed as follows:

(1) In the case of a claimant who owns the homestead for which a claim is made, the credit is the amount of property tax billed less the deduction specified in subsection (4).

(2) In the case of a claimant who rents the homestead for which a claim is made, the credit is the amount of rent-equivalent tax paid less the deduction specified in subsection (4).

(3) In the case of a claimant who both owns and rents the homestead for which a claim is made, the credit is:

(a) the amount of property tax billed on the owned portion of the homestead less the deduction specified in subsection (4); plus

(b) the amount of rent-equivalent tax paid on the rented portion of the homestead less the deduction specified in subsection (4).

(4) Property tax billed and rent-equivalent tax paid are reduced according to the following schedule:

Household income	Amount of reduction
$0 - $999	$0
$1,000 - $1,999	$0
$2,000 - $2,999	the product of .006 times the household income
$3,000 - $3,999	the product of .016 times the household income
$4,000 - $4,999	the product of .024 times the household income
$5,000 - $5,999	the product of .028 times the household income
$6,000 - $6,999	the product of .032 times the household income
$7,000 - $7,999	the product of .035 times the household income
$8,000 - $8,999	the product of .039 times the household income
$9,000 - $9,999	the product of .042 times the household income
$10,000 - $10,999	the product of .045 times the household income
$11,000 - $11,999	the product of .048 times the household income

$12,000 & over	the product of .050 times the household income

(5) For a claimant whose household income is $35,000 or more but less than $45,000, the amount of the credit is equal to the credit calculated under this section multiplied by the decimal equivalent of a percentage figure according to the following table:

Gross household income	Percentage of credit allowed
$35,000 - $37,500	40%
$37,501 - $40,000	30%
$40,001 - $42,500	20%
$42,501 - $44,999	10%
$45,000 or more	0%

(6) The credit granted may not exceed ~~$1,000~~ $1,150.
(7) Relief under 15-30-2337 through 15-30-2341 is a credit against the claimant's Montana individual income tax liability for the claim period. If the amount of the credit exceeds the claimant's liability under this chapter, the amount of the excess must be refunded to the claimant. The credit may be claimed even though the claimant has no income taxable under this chapter.""
Insert: "NEW SECTION. **Section 11. Effective dates -- applicability**. (1) Except as provided in subsections (2) through (6), [this act] is effective July 1, 2021.
(2) [Sections 1 and 6] are effective October 1, 2021, and apply to the income tax year beginning after December 31, 2021.
(3) [Sections 2 and 7] are effective October 1, 2022, and apply to the income tax year beginning after December 31, 2022.
(4) [Sections 3 and 8] are effective October 1, 2023, and apply to the income tax year beginning after December 31, 2023.
(5) [Sections 4 and 9] are effective October 1, 2024, and apply to the income tax year beginning after December 31, 2024.
(6) [Sections 5 and 10] are effective October 1, 2025, and apply to the income tax years beginning after December 31, 2025."

4. Page 4, line 7 through line 10.
Strike: sections 3 and 4 in their entirety
Insert: "NEW SECTION. **Section 12. Termination**. (1) [Sections 1 and 6] terminate December 31, 2022.
(2) [Sections 2 and 7] terminate December 31, 2023.
(3) [Sections 3 and 8] terminate December 31, 2024.
(4) [Sections 4 and 9] terminate December 31, 2025.
(5) [Section 13] terminates January 1, 2025."

Insert: "NEW SECTION. **Section 13. Contingent termination -- legislative intent -- specific findings -- report to legislative finance committee**. (1) The legislature intends to provide the tax relief provided by [this act] while also preventing the loss of federal funds that are available to the state as part of the recently enacted American Rescue Plan Act, Public Law 117-2. The contingent termination provisions in subsections (2) through (5) are limited to the duration of time established by each subsection and are necessary based on the lack of information available to the legislature from the federal government at the time of enactment of [this act].

(2) [Sections 1 and 6] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made in calendar year 2021.

(3) [Sections 2 and 7] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2022, and December 31, 2022.

(4) [Sections 3 and 8] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2023, and December 31, 2023.

(5) [Sections 4 and 9] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2024, and December 31, 2024.

(6) (a) The budget director shall continually evaluate whether implementation of a section of [this act] will:

(i) result in a reduction of funds from the American Rescue Plan Act; or

(ii) require the state of Montana to repay or refund to the federal government pursuant to the American Rescue Plan Act.

(b) The budget director shall consider guidance from:

(i) the federal government about the American Rescue Plan Act, Public Law 117-2;

(ii) court decisions about the American Rescue Plan Act;

(iii) amendments to the American Rescue Plan Act;

(iv) any information provided by the attorney general; and

(v) other relevant information about the American Rescue Plan Act.

(c) If the budget director determines that the implementation of a section of this act may result in a reduction of funds or require the state to repay or refund to the federal government funds based on the guidance in subsection (6)(b), the budget director shall notify the legislative finance committee of the preliminary determination. The budget director's notification of the preliminary determination may occur after January 1 but no later than December 10 of each of the calendar years 2021, 2022, 2023, and 2024. Within 20 days of notification, the legislative finance committee shall provide the budget director with any recommendations concerning the preliminary determination. The budget director shall consider any recommendations of the legislative finance committee.

(7) If the budget director determines that the implementation of a section of this act would more likely than not result in a reduction of funds or require the state to repay or refund to the federal government funds based on the guidance in subsection (6)(b) and the recommendations of the legislative finance committee in subsection (6)(c), the budget director shall provide certification in writing to the legislative finance committee and the

code commissioner of the occurrence of the relevant contingency provided for in subsections (2) through (5)."

And, as amended, be concurred in.

HB 235, be concurred in.
HB 522, be concurred in.
HB 637, be concurred in.
HB 660, be amended as follows:

1. Title, line 5.
Following: "COMMERCE;"
Insert: "EXPANDING USE OF THE ECONOMIC DEVELOPMENT STATE SPECIAL REVENUE ACCOUNT; AMENDING SECTION 90-1-205, MCA;"

2. Page 1.
Following: line 8
Insert: "**Section 1.** Section 90-1-205, MCA, is amended to read:
"**90-1-205. Economic development special revenue account.** (1) There is an economic development state special revenue account. The account receives earnings from the big sky economic development fund as provided in 17-5-703. The money in the account may be used only as provided in this part.
(2) The money in the account is statutorily appropriated, as provided in 17-7-502, to the department. Of the money that is deposited in the account that is not used for administrative expenses <u>or for other economic development purposes</u>:
(a) 75% must be allocated for distribution to local governments and tribal governments to be used for job creation efforts; and
(b) 25% must be allocated for distribution to certified regional development corporations, economic development organizations that are located in a county that is not part of a certified regional development corporation, and tribal governments.""
Renumber: subsequent sections

3. Page 1, line 9.
Strike: "general fund"
Insert: "account provided for 90-1-205"

And, as amended, be concurred in.

HB 681, be concurred in.
HB 704, be concurred in.

Without objection, committee reports were adopted.

ADVERSE COMMITTEE REPORT

JUDICIARY (Regier, Chair): 4/23/2021
SR 50, do **not** adopt. Adverse committee report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Monday, April 26, 2021, the seventy-seventh legislative day. Motion carried.

Senate adjourned at 5:31 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SEVENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 26, 2021 — State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/26/2021
Correctly engrossed: **HB 191**, **HB 660**.
Correctly enrolled: **SB 249**.
Examined by the sponsor and found to be correct: **SB 233**, **SB 249**.
Transmitted to the House: **HB 235**, **HB 522**, **HB 637**, **HB 681**, **HB 704**.
Signed by the President at 8:30 a.m., April 26, 2021: **SB 98**.
Signed by the Speaker at 9:40 a.m., April 26, 2021: **SB 98**.
Delivered to the Secretary of State at 10:00 a.m., April 26, 2021: **SJ 6**, **SJ 7**, **SJ 10**, **SJ 11**, **SJ 17**.
Delivered to the Governor for signature at 9:57 a.m., April 26, 2021: **SB 98**.

SPECIAL ORDERS OF THE DAY

Senator Kary introduced the Pages for the coming week:

Carlie Carman from Billings, Montana, sponsored by Senator Kary
Isaac Nehring from Helena, Montana, sponsored by Senator Bennett
Nayana Sah from Billings, Montana, sponsored by Senator McNally

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/26/2021
SJ 33, do pass.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 354**
Report No. 003, April 26, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 354** (reference copy --

salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 354** (reference copy -- salmon) be amended as follows:

1. Title, line 7 through line 8.
Strike: "SECTIONS" on line 7 through "AND" on line 8
Insert: "SECTION"

2. Page 1, line 16 through page 2, line 14.
Strike: section 2 in its entirety
Renumber: subsequent sections

For the Senate:

Hinebauch, Chair
Fitzpatrick
McClafferty

For the House:

Usher, Vice Chair
Berglee
Bishop

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/23/2021

SB 51, introduced by J. Ellsworth
SB 212, introduced by R. Osmundson

Senate amendments to House bills concurred in: 4/23/2021

HB 92, introduced by K. Kelker
HB 358, introduced by B. Mercer
HB 365, introduced by J. Trebas
HB 444, introduced by E. Buttrey
HB 462, introduced by M. Stromswold
HB 501, introduced by J. Trebas
HB 559, introduced by B. Mercer

Conference Committee Report adopted: 4/23/2021

SB 39, introduced by K. Regier
HB 20, introduced by B. Beard
HB 112, introduced by J. Fuller

Free Conference Committee Report adopted: 4/23/2021

SB 300, introduced by C. Glimm

HB 5 - The House failed to concur in Senate amendments to **HB 5,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 5:**

4/23/2021

Representative Jones, Vice Chair
Representative Hamilton
Representative Hopkins

HB 506 - The House failed to concur in Senate amendments to **HB 506,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 506:**

4/23/2021

Representative Fielder, Vice Chair
Representative R. Knudsen
Representative Running Wolf

HB 640 - The House failed to concur in Senate amendments to **HB 640,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 640:**

4/23/2021

Representative Hopkins, Vice Chair
Representative Novak
Representative Tschida

Senate bill concurred in and returned to the Senate: 4/26/2021

SB 384, introduced by J. Esp

Senate joint resolution concurred in and returned to the Senate: 4/26/2021

SJ 14, introduced by W. Sales

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/26/2021

SB 159, introduced by G. Hertz
SB 385, introduced by G. Hertz
SB 399, introduced by G. Hertz
SB 400, introduced by T. Manzella
SB 402, introduced by C. Smith
SB 403, introduced by B. Keenan

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

4/26/2021

SB 303, introduced by T. McGillvray
This amended bill is being returned after the deadline for General Bills. Joint Rule 40-200 requires a 2/3 vote for the bill to be considered by the receiving house.

Senate amendments to House bills concurred in: 4/26/2021

HB 115, introduced by B. Mercer
HB 221, introduced by A. Buckley
HB 257, introduced by J. Hinkle
HB 267, introduced by N. Duram
HB 277, introduced by B. Mercer
HB 318, introduced by K. Holmlund
HB 382, introduced by W. Curdy
HB 430, introduced by K. Whitman
HB 439, introduced by S. Galloway
HB 447, introduced by B. Mercer
HB 481, introduced by S. Gunderson
HB 495, introduced by M. Caferro
HB 497, introduced by B. Mercer
HB 498, introduced by S. Gunderson
HB 504, introduced by C. Knudsen
HB 527, introduced by F. Nave
HB 537, introduced by B. Mercer
HB 541, introduced by S. Galloway
HB 553, introduced by J. Patelis
HB 554, introduced by J. Kassmier
HB 572, introduced by D. Skees
HB 576, introduced by J. Schillinger
HB 599, introduced by S. Gunderson
HB 614, introduced by M. Caferro
HB 630, introduced by D. Bedey
HB 688, introduced by J. Kassmier

Senate amendments to House joint resolution concurred in: 4/26/2021

HJ 16, introduced by N. Duram

House joint resolutions passed and transmitted to the Senate for concurrence: 4/26/2021

HJ 31, introduced by F. Fleming
HJ 34, introduced by B. Usher

HJ 40, introduced by B. Mercer
HJ 43, introduced by B. Mercer

Conference Committee Report adopted: 4/26/2021

SB 306, introduced by M. Lang
HB 178, introduced by D. Bedey

HB 689 - The House failed to concur in Senate amendments to **HB 689** and authorized the Speaker to appoint the following Conference Committee and requests the Senate appoint a like committee to confer on Senate amendments to **HB 689:**

4/26/2021

Representative Dooling, Vice Chair
Representative Hayman
Representative McKamey

SB 316 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 316:**

4/26/2021

Representative Buttrey, Vice Chair
Representative Farris-Olsen
Representative Stromswold

SB 319 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 319:**

4/26/2021

Representative C. Knudsen, Vice Chair
Representative Binkley
Representative Kortum

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 31, introduced by F. Fleming, referred to Judiciary.
HJ 34, introduced by B. Usher, D. Skees, D. Lenz, S. Berglee, J. Hinkle, K. Kelker, E. Kerr-Carpenter, B. Ler, B. Phalen, J. Carlson, A. Regier, M. Stromswold, A. Buckley, J. Gillette, D. Hawk, referred to Judiciary.
HJ 40, introduced by B. Mercer, B. Tschida, K. Seekins-Crowe, referred to Judiciary.
HJ 43, introduced by B. Mercer, referred to Judiciary.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 235 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 27

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 522 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 41

Nays: Ellsworth, Esp, Hinebauch, Hoven, Howard, Keenan, Manzella, Regier K, Mr. President.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 637 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 681 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.
Total 48

Nays: Esp, Vance.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 704 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.

Total 41

Nays: Esp, Hinebauch, Howard, Keenan, Lang, McGillvray, O'Brien, Smith C, Tempel.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGillvray in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 47 - Senator Regier moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 47**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 695 - Majority Leader Smith moved consideration of **HB 695** be passed for the day. Without objection, so ordered.

SB 51 - **House Amendments** - Senator Ellsworth moved House amendments to **SB 51** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Cohenour, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 1 - **House Amendments** - Majority Leader Smith moved House amendments to **SJ 1** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 173 - **House Amendments** - Senator Howard moved House amendments to **SB 173** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 320 - **House Amendments** - Senator Boldman moved House amendments to **SB 320** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 37

Nays: Cuffe, Esp, Hinebauch, Howard, Kary, Keenan, Lang, McGillvray, O'Brien, Osmundson, Regier K, Smith C, Tempel.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 395 - **House Amendments** - Senator Hertz moved House amendments to **SB 395** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 212 - **House Amendments** - Senator Osmundson moved House amendments to **SB 212** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 116 - **House Amendments** - Senator Ankney moved House amendments to **SB 116** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 165 - **House Amendments** - Senator Glimm moved House amendments to **SB 165** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair McGillvray moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 46

Nays: Boland, Cohenour, Pomnichowski, Webber.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 230**
Report No. 001, April 26, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 230** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 230** (reference copy -- salmon) be amended as follows:

1. Title, line 21.
Following: "AN"
Strike: "IMMEDIATE"

2. Page 13, line 9.
Strike: "on passage and approval"
Insert: "July 1, 2021"

For the Senate:

Howard, Chair
K. Regier
Sands

For the House:

A. Regier, Vice Chair
Funk
Whitman

MOTIONS

SB 51 - Majority Leader Smith moved the Senate appoint a Free Conference Committee on **SB 51** and request the House to appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Ellsworth, Chair, and Senators Hertz and Jacobson.

SJ 1 - Majority Leader Smith moved the Senate appoint a Free Conference Committee on **SJ 1** and request the House to appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Smith, Chair, and Senators Bennett and Fitzpatrick.

Senator McGillvray moved to change both his second and third reading votes on **HB 693** from Yes to No. Without objection, so ordered.

Senator Molnar moved that his second and third reading votes on **HB 701**, if not already No, be changed to No. Without objection, so ordered.

FINANCE AND CLAIMS (Osmundson, Chair): 4/26/2021
HB 72, be concurred in.
HB 303, be amended as follows:

1. Title, line 10 through line 11.
Strike: "AN" on line 10 through "DATE" on line 11
Insert: "EFFECTIVE DATES, APPLICABILITY DATES, AND TERMINATION DATES"

2. Page 4, line 22.
Strike: "15-1-123(6)"
Insert: "15-1-123(5)"

3. Page 6, line 16 through line 17.
Strike: "15-" on line 16 through "1-123(6)" on line 17
Insert: "15-1-123(5)"

4. Page 8, line 12.
Following: "provided"
Insert: "for"

5. Page 8, line 15.
Following: "15-6-138"
Strike: "(4)"

6. Page 8, line 15 through line 16.
Strike: "section" on line 15 through "2015," on line 16
Insert: "[this act]"

7. Page 8, line 16.
Following: "and"
Insert: "the property tax revenue that would have been collected under 15-6-138 if it had not been amended by"

8. Page 8, line 18.
Following: "(1)."

Insert: "The department shall lower the reimbursement to compensate for an increase in property tax collections based on [section 14] during any tax year in which an increase in value occurs by the termination of an exemption due to the American Rescue Plan Act, Public Law 117-2, and [section 14]."

9. Page 9, line 9.
Strike: "(7)"
Insert: "(6)"

10. Page 9.
Following: line 11
Insert: "**Section 3.** Section 15-1-123, MCA, is amended to read:

"**15-1-123. Reimbursement for class eight rate reduction and exemption -- distribution -- appropriations.** (1) ~~For~~ Except as provided in subsection (2), for the tax rate reductions in 15-6-138(3), the increased exemption amount in 15-6-138(4), the effective tax rate reductions on property under 15-6-145 because of the rate reductions required by the amendments of 15-6-138 in section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and the effective tax rate reductions on property under 15-6-145 because of the increased exemption amount required by the amendment of 15-6-138 in section 2, Chapter 396, Laws of 2013, the department shall reimburse each local government, as defined in 15-1-121(5), each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-109 the difference between property tax collections under 15-6-138 as amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and under 15-6-145 and the property tax revenue that would have been collected under 15-6-138 and 15-6-145 if 15-6-138 had not been amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013. The difference plus the amount calculated in subsection (2) is the annual reimbursable amount for each local government, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-109.

(2) For the increased exemption amount in 15-6-138(4) provided for in [this act], the department shall reimburse each local government, as defined in 15-1-121(5), each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-109 the difference between property tax collections that would have been collected under 15-6-138 as amended by [this act] and the property tax revenue that would have been collected under 15-6-138 if it had not been amended by [this act]. The difference calculated in this subsection is added to the annual reimbursable amount for each local government, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-109 calculated in subsection (1).

(3) The growth rate applied to the reimbursements is:

(a) for the reimbursement calculated pursuant to subsection (1), one-half of the average rate of inflation for the prior 3 years; and

(b) for the reimbursement calculated pursuant to subsection (2), 0%.

~~(2)~~(4) The department shall distribute the reimbursements calculated in ~~subsection~~ subsections (1) and (2) to local governments with the entitlement share payments under 15-1-121(7).

~~The growth rate applied to the reimbursement is one-half of the average rate of inflation for the prior 3 years.~~

~~(3)~~(5) The amount determined under ~~subsection~~ subsections (1) and (2) for each tax increment financing district must be added to the reimbursement amount for the tax increment financing district as provided in 15-1-121(8)(b) if the tax increment financing district is still in existence. If a tax increment financing district that is entitled to a reimbursement under this section is not listed under 15-1-121(8)(b), the reimbursement must be made to that tax increment financing district at the same time as other districts.

~~(4)~~(6) (a) The amount determined under ~~subsection~~ subsections (1) and (2) for the 6-mill university levy must be added to current collections and reimbursements for the support of the Montana university system as provided in 15-10-109.

(b) The department of administration shall transfer the amount determined under this subsection ~~(4)~~ (6) from the general fund to the state special revenue fund for the support of the Montana university system as provided in 15-10-109.""

Renumber: subsequent sections

11. Page 11, line 2.
Strike: "$200,000"
Insert: "$300,000"

12. Page 11.
Following: line 25
Insert: "**Section 5.** Section 15-6-138, MCA, is amended to read:

"**15-6-138. Class eight property -- description -- taxable percentage.** (1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;

(c) for oil and gas production, all:

(i) machinery;

(ii) fixtures;

(iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;

(iv) tools that are not exempt under 15-6-219; and

(v) supplies except those included in class five;

(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;

(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);

(f) special mobile equipment as defined in 61-1-101;

(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;
(h) x-ray and medical and dental equipment;
(i) citizens band radios and mobile telephones;
(j) radio and television broadcasting and transmitting equipment;
(k) cable television systems;
(l) coal and ore haulers;
(m) theater projectors and sound equipment; and
(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.
(2) As used in this section, the following definitions apply:
(a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.
(b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.
(c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.
(3) Except as provided in 15-24-1402, class eight property is taxed at:
(a) for the first $6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and
(b) for all taxable market value in excess of $6 million, 3%.
(4) The first ~~$100,000~~ $300,000 of market value of class eight property of a person or business entity is exempt from taxation.
(5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold.""
Insert: "**Section 6.** Section 15-6-138, MCA, is amended to read:
"**15-6-138. Class eight property -- description -- taxable percentage.** (1) Class eight property includes:
(a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;
(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;
(c) for oil and gas production, all:
(i) machinery;
(ii) fixtures;
(iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator

units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;
(iv) tools that are not exempt under 15-6-219; and
(v) supplies except those included in class five;
(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;
(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);
(f) special mobile equipment as defined in 61-1-101;
(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;
(h) x-ray and medical and dental equipment;
(i) citizens band radios and mobile telephones;
(j) radio and television broadcasting and transmitting equipment;
(k) cable television systems;
(l) coal and ore haulers;
(m) theater projectors and sound equipment; and
(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.
(2) As used in this section, the following definitions apply:
(a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.
(b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.
(c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.
(3) Except as provided in 15-24-1402, class eight property is taxed at:
(a) for the first $6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and
(b) for all taxable market value in excess of $6 million, 3%.
(4) The first ~~$100,000~~ $300,000 of market value of class eight property of a person or business entity is exempt from taxation.
(5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold.""

Insert: "**Section 7.** Section 15-6-138, MCA, is amended to read:

"**15-6-138. Class eight property -- description -- taxable percentage.** (1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;

(c) for oil and gas production, all:

(i) machinery;

(ii) fixtures;

(iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;

(iv) tools that are not exempt under 15-6-219; and

(v) supplies except those included in class five;

(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;

(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);

(f) special mobile equipment as defined in 61-1-101;

(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

(h) x-ray and medical and dental equipment;

(i) citizens band radios and mobile telephones;

(j) radio and television broadcasting and transmitting equipment;

(k) cable television systems;

(l) coal and ore haulers;

(m) theater projectors and sound equipment; and

(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, the following definitions apply:

(a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.

(c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.

(3) Except as provided in 15-24-1402, class eight property is taxed at:

(a) for the first $6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and
(b) for all taxable market value in excess of $6 million, 3%.
(4) The first ~~$100,000~~ $300,000 of market value of class eight property of a person or business entity is exempt from taxation.
(5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold.""
Insert: "**Section 8.** Section 15-6-138, MCA, is amended to read:
"**15-6-138. Class eight property -- description -- taxable percentage.** (1) Class eight property includes:
(a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;
(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;
(c) for oil and gas production, all:
(i) machinery;
(ii) fixtures;
(iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;
(iv) tools that are not exempt under 15-6-219; and
(v) supplies except those included in class five;
(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;
(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);
(f) special mobile equipment as defined in 61-1-101;
(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;
(h) x-ray and medical and dental equipment;
(i) citizens band radios and mobile telephones;
(j) radio and television broadcasting and transmitting equipment;
(k) cable television systems;
(l) coal and ore haulers;
(m) theater projectors and sound equipment; and
(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, the following definitions apply:
(a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.
(b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.
(c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.
(3) Except as provided in 15-24-1402, class eight property is taxed at:
(a) for the first $6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and
(b) for all taxable market value in excess of $6 million, 3%.
(4) The first ~~$100,000~~ $300,000 of market value of class eight property of a person or business entity is exempt from taxation.
(5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold.""
Insert: "**Section 9.** Section 15-10-420, MCA, is amended to read:
"**15-10-420. Procedure for calculating levy.** (1) (a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's newly taxable value, plus one-half of the average rate of inflation for the prior 3 years.
(b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.
(c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.
(2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property.

(3) (a) For purposes of this section, newly taxable property includes:
(i) annexation of real property and improvements into a taxing unit;
(ii) construction, expansion, or remodeling of improvements;
(iii) transfer of property into a taxing unit;
(iv) subdivision of real property; and
(v) transfer of property from tax-exempt to taxable status.
(b) Newly taxable property does not include an increase in value:
(i) that arises because of an increase in the incremental value within a tax increment financing district; or
(ii) caused by the termination of an exemption that occurs due to the American Rescue Plan Act, Public Law 117-2, and [section 14].
(4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:
(i) a change in the boundary of a tax increment financing district;
(ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or
(iii) the termination of a tax increment financing district.
(b) If a tax increment financing district terminates prior to the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax increment financing district terminates. If a tax increment financing district terminates after the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax year.
(c) For the purpose of subsection (3)(a)(ii), the value of newly taxable class four property that was constructed, expanded, or remodeled property since the completion of the last reappraisal cycle is the current year market value of that property less the previous year market value of that property.
(d) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property under 15-6-134 or as nonqualified agricultural land as described in 15-6-133(1)(c).
(5) Subject to subsection (8), subsection (1)(a) does not apply to:
(a) school district levies established in Title 20; or
(b) a mill levy imposed for a newly created regional resource authority.
(6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.
(7) In determining the maximum number of mills in subsection (1)(a), the governmental entity:
(a) may increase the number of mills to account for a decrease in reimbursements; and
(b) may not increase the number of mills to account for a loss of tax base because of legislative action that is reimbursed under the provisions of 15-1-121(7).
(8) The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-109, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the calculation must be rounded up to the nearest tenth of a mill.
(9) (a) The provisions of subsection (1) do not prevent or restrict:

(i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;
(ii) a levy to repay taxes paid under protest as provided in 15-1-402;
(iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326;
(iv) a levy for the support of a study commission under 7-3-184;
(v) a levy for the support of a newly established regional resource authority;
(vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703;
(vii) a levy for reimbursing a county for costs incurred in transferring property records to an adjoining county under 7-2-2807 upon relocation of a county boundary;
(viii) a levy used to fund the sheriffs' retirement system under 19-7-404(2)(b); or
(ix) a governmental entity from levying mills for the support of an airport authority in existence prior to May 7, 2019, regardless of the amount of the levy imposed for the support of the airport authority in the past. The levy under this subsection (9)(a)(ix) is limited to the amount in the resolution creating the authority.
(b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.
(10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.
(11) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new improvements, or newly taxable value in a governmental unit.""
Renumber: subsequent sections

13. Page 13, line 2.
Strike: "234%"
Insert: "236%"

14. Page 13, line 4.
Following: "districts."
Insert: "The 236% multiplier for fiscal year 2023 and each succeeding fiscal year must be reduced to 232% for any fiscal year impacted by the termination of an exemption due to the American Recovery Plan Act, Public Law 117-2, and [section 14]."

15. Page 13.
Following: line 13
Insert: "NEW SECTION. **Section 11.** {standard} **Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Insert: "NEW SECTION. **Section 12. Effective dates -- applicability**. (1) Except as provided in subsections (2) through (7), [this act] is effective July 1, 2021.
(2) [Section 3] is effective January 1, 2026.
(3) [Section 4] is effective October 1, 2021, and applies to the tax year beginning after December 31, 2021.
(4) [Section 5] is effective October 1, 2022, and applies to the tax year beginning after December 31, 2022.
(5) [Section 6] is effective October 1, 2023, and applies to the tax year beginning after December 31, 2023.
(6) [Section 7] is effective October 1, 2024, and applies to the tax year beginning after December 31, 2024.
(7) [Section 8] is effective July 1, 2025, and applies to the tax years beginning after December 31, 2025."
Renumber: subsequent sections

16. Page 13, line 14 through line 15.
Strike: section 5 in its entirety

17. Page 13.
Following: line 15
Insert: "NEW SECTION. **Section 13. Termination**. (1) [Section 4] terminates December 31, 2022.
(2) [Section 5] terminates December 31, 2023.
(3) [Section 6] terminates December 31, 2024.
(4) [Section 14] terminates January 1, 2025.
(5) [Sections 2, 7, and 9] terminate December 31, 2025."
Insert: "NEW SECTION. **Section 14. Contingent termination -- legislative intent -- specific findings -- report to the legislative finance committee**. (1) The legislature intends to provide the tax relief provided by [this act] while also preventing the loss of federal funds that are available to the state as part of the recently enacted American Rescue Plan Act, Public Law 117-2. The contingent termination provisions in subsections (2) through (5) are limited to the duration of time established by each subsection and are necessary based on the lack of information available to the legislature from the federal government at the time of enactment of [this act].
(2) [Section 4] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made in calendar year 2021.
(3) [Section 5] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2022, and December 31, 2022.
(4) [Section 6] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2023, and December 31, 2023.

(5) [Section 7] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2024, and December 31, 2024.
(6) (a) The budget director shall continually evaluate whether implementation of a section of [this act] will:
(i) result in a reduction of funds from the American Rescue Plan Act; or
(ii) require the state to repay or refund to the federal government pursuant to the American Rescue Plan Act.
(b) The budget director shall consider guidance from:
(i) the federal government about the American Rescue Plan Act;
(ii) court decisions about the American Rescue Plan Act;
(iii) amendments to the American Rescue Plan Act;
(iv) any information provided by the attorney general; and
(v) other relevant information about the American Rescue Plan Act.
(c) If the budget director determines that the implementation of a section of this act may satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b), the budget director shall notify the legislative finance committee of the preliminary determination. The budget director's notification of the preliminary determination may occur after January 1 but no later than December 10 of each of the calendar years 2021, 2022, 2023, and 2024. Within 20 days of notification, the legislative finance committee shall provide the budget director with any recommendations concerning the preliminary determination. The budget director shall consider any recommendations of the legislative finance committee.
(7) If the budget director determines that the implementation of a section of this act would more likely than not satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b) and the recommendations of the legislative finance committee in subsection (6)(c), the budget director shall provide certification in writing to the legislative finance committee and the code commissioner of the occurrence of the relevant contingency provided for in subsections (2) through (5)."

And, as amended, be concurred in.

HB 340, be amended as follows:

1. Title, line 5 through line 8.
Strike: "REVISING" on line 5 through "ACTIVITIES;" on line 8

2. Title, line 8 through line 9.
Strike: "PROVIDING" on line 8 through "AUTHORITY;" on line 9

3. Title, line 9.
Strike: "SECTIONS"
Insert: "SECTION"

4. Title, line 9 through line 10.
Strike: "15-31-1003," on line 9 through "15-31-1009," on line 10

5. Title, line 10.
Following: "15-31-1010,"
Strike: "15-31-1011, AND 15-31-1012,"

6. Title, line 11.
Following: the first "DATES"
Insert: ","
Strike: "AND"

7. Title, line 11.
Following: the second "DATES"
Insert: ", AND TERMINATION DATES"

8. Page 1.
Following: line 14
Strike: everything after the enacting clause
Insert: "**Section 1.** Section 15-31-1010, MCA, is amended to read:
"**15-31-1010. Limitation of tax credits.** (1) (a) The department of commerce may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-1007 and 15-31-1009.
(b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.
(c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.
(2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed ~~$10~~ $12 million per calendar year.
(b) Claims must be allowed on a first-come, first-served basis. A taxpayer whose claim for a credit is disallowed because the calendar year limit has been reached may use the credit in the next calendar year but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in 15-31-1007(5) or 15-31-1009(4).
(c) If a claim is disallowed because the calendar year limit has been reached, the department of revenue may waive penalties and interest pursuant to 15-1-216.
(d) The department of revenue shall make reasonable efforts to post on its website the amount of credits available and not yet claimed.""
Insert: "**Section 2.** Section 15-31-1010, MCA, is amended to read:
"**15-31-1010. Limitation of tax credits.** (1) (a) The department of commerce may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-1007 and 15-31-1009.
(b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this

section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.

(c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.

(2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed ~~$10~~ $12 million per calendar year.

(b) Claims must be allowed on a first-come, first-served basis. A taxpayer whose claim for a credit is disallowed because the calendar year limit has been reached may use the credit in the next calendar year but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in 15-31-1007(5) or 15-31-1009(4).

(c) If a claim is disallowed because the calendar year limit has been reached, the department of revenue may waive penalties and interest pursuant to 15-1-216.

(d) The department of revenue shall make reasonable efforts to post on its website the amount of credits available and not yet claimed.""

Insert: "**Section 3.** Section 15-31-1010, MCA, is amended to read:

"**15-31-1010. Limitation of tax credits.** (1) (a) The department of commerce may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-1007 and 15-31-1009.

(b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.

(c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.

(2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed ~~$10~~ $12 million per calendar year.

(b) Claims must be allowed on a first-come, first-served basis. A taxpayer whose claim for a credit is disallowed because the calendar year limit has been reached may use the credit in the next calendar year but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in 15-31-1007(5) or 15-31-1009(4).

(c) If a claim is disallowed because the calendar year limit has been reached, the department of revenue may waive penalties and interest pursuant to 15-1-216.

(d) The department of revenue shall make reasonable efforts to post on its website the amount of credits available and not yet claimed.""

Insert: "**Section 4.** Section 15-31-1010, MCA, is amended to read:

"**15-31-1010. Limitation of tax credits.** (1) (a) The department of commerce may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-1007 and 15-31-1009.

(b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.

(c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.

(2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed ~~$10~~ $12 million per calendar year.

(b) Claims must be allowed on a first-come, first-served basis. A taxpayer whose claim for a credit is disallowed because the calendar year limit has been reached may use the credit in the next calendar year but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in 15-31-1007(5) or 15-31-1009(4).

(c) If a claim is disallowed because the calendar year limit has been reached, the department of revenue may waive penalties and interest pursuant to 15-1-216.

(d) The department of revenue shall make reasonable efforts to post on its website the amount of credits available and not yet claimed.""

Insert: "**Section 5.** Section 15-31-1010, MCA, is amended to read:

"**15-31-1010. Limitation of tax credits.** (1) (a) The department of commerce may grant to applicants pursuant to 15-31-1004 the authority to apply for the tax credits provided for in 15-31-1007 and 15-31-1009.

(b) The authorization by the department of commerce to apply for a credit does not guarantee the credit. A taxpayer authorized to apply for a credit pursuant to 15-31-1004 and this section must meet the requirements of 15-31-1005 through 15-31-1009 and subsection (2) of this section.

(c) The department of commerce shall make reasonable efforts to post on its website the amount of tax credits available and not yet allocated.

(2) (a) Total claims for the tax credits provided for in 15-31-1007 and 15-31-1009 may not exceed ~~$10~~ $12 million per calendar year.

(b) Claims must be allowed on a first-come, first-served basis. A taxpayer whose claim for a credit is disallowed because the calendar year limit has been reached may use the credit in the next calendar year but the transfer of the credit to the next calendar year does not extend the carry forward periods provided for in 15-31-1007(5) or 15-31-1009(4).

(c) If a claim is disallowed because the calendar year limit has been reached, the department of revenue may waive penalties and interest pursuant to 15-1-216.

(d) The department of revenue shall make reasonable efforts to post on its website the amount of credits available and not yet claimed.""

Insert: "NEW SECTION. **Section 6.** {standard} **Severability**. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Insert: "NEW SECTION. **Section 7. Effective dates -- applicability.** (1) Except as provided in subsections (2) through (6), [this act] is effective July 1, 2021.

(2) [Section 1] is effective January 1, 2022, and applies to the income tax year beginning after December 31, 2021.

(3) [Section 2] is effective January 1, 2023, and applies to the income tax year beginning after December 31, 2022.

(4) [Section 3] is effective January 1, 2024, and applies to the income tax year beginning after December 31, 2023.
(5) [Section 4] is effective January 1, 2025, and applies to the income tax year beginning after December 31, 2024.
(6) [Section 5] is effective July 1, 2025, and applies to income tax years beginning after June 30, 2025."
Insert: "NEW SECTION. **Section 8. Termination**. (1) [Section 1] terminates December 31, 2022.
(2) [Section 2] terminates December 31, 2023.
(3) [Section 3] terminates December 31, 2024.
(4) [Section 4] terminates December 31, 2025.
(5) [Section 9] terminates January 1, 2025."
Insert: "NEW SECTION. **Section 9. Contingent termination -- legislative intent -- specific findings -- report to legislative finance committee**. (1) The legislature intends to provide the tax relief provided by [this act] while also preventing the loss of federal funds that are available to the state as part of the recently enacted American Rescue Plan Act, Public Law 117-2. The contingent termination provisions in subsections (2) through (5) are limited to the duration of time established by each subsection and are necessary based on the lack of information available to the legislature from the federal government at the time of enactment of [this act].
(2) [Section 1] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made in calendar year 2021.
(3) [Section 2] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2022, and December 31, 2022.
(4) [Section 3] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2023, and December 31, 2023.
(5) [Section 4] terminates on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2024, and December 31, 2024.
(6) (a) The budget director shall continually evaluate whether implementation of a section of [this act] will:
(i) result in a reduction of funds from the American Rescue Plan Act; or
(ii) require the state to repay or refund to the federal government pursuant to the American Rescue Plan Act.
(b) The budget director shall consider guidance from:
(i) the federal government about the American Rescue Plan Act;
(ii) court decisions about the American Rescue Plan Act;
(iii) amendments to the American Rescue Plan Act;
(iv) any information provided by the attorney general; and
(v) other relevant information about the American Rescue Plan Act.
(c) If the budget director determines that the implementation of a section of [this act] may satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b), the

budget director shall notify the legislative finance committee of the preliminary determination. The budget director's notification of the preliminary determination may occur after January 1 but no later than December 10 of each of the calendar years 2021, 2022, 2023, and 2024. Within 20 days of notification, the legislative finance committee shall provide the budget director with any recommendations concerning the preliminary determination. The budget director shall consider any recommendations of the legislative finance committee.

(7) If the budget director determines that the implementation of a section of [this act] would more likely than not satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b) and the recommendations of the legislative finance committee in subsection (6)(c), the budget director shall provide certification in writing to the legislative finance committee and the code commissioner of the occurrence of the relevant contingency provided for in subsections (2) through (5"

And, as amended, be concurred in.

HB 629, be concurred in.
HB 651, be concurred in.
HB 661, be amended as follows:

1. Title, line 7.
Strike: "AN EFFECTIVE DATE"
Insert: "EFFECTIVE DATES, APPLICABILITY DATES, AND TERMINATION DATES"

2. Page 2, line 28.
Following: "(15)"
Insert: "(a)"

3. Page 3, line 2.
Following: "barrel of"
Strike: "west Texas intermediate"
Following: "oil"
Insert: "reported and received by the producer for Montana oil marketed"

4. Page 3, line 14.
Following: "(17)"
Insert: "(a)"
Following: "produces"
Insert: "more than 3 barrels a day but fewer than"

5. Page 3, line 15.
Following: "day"
Strike: "or less"
Following: "less."
Insert: "(b)"

6. Page 6.
Following: line 6
Insert: "**Section 2.** Section 15-36-303, MCA, is amended to read:
"**15-36-303. Definitions.** As used in this part, the following definitions apply:
(1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.
(2) "Department" means the department of revenue provided for in 2-15-1301.
(3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.
(4) "Existing enhanced recovery project" means an enhanced recovery project that began development before January 1, 1994.
(5) "Expanded enhanced recovery project" or "expansion" means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.
(6) "Gross taxable value", for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.
(7) "Horizontal drain hole" means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.
(8) "Horizontally completed well" means:
(a) a well with one or more horizontal drain holes; or
(b) any other well classified by the board as a horizontally completed well.
(9) "Incremental production" means:
(a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:
(i) commencing the recompletion of a well as a horizontally completed well;
(ii) expanding the existing enhanced recovery project; or
(iii) commencing a new enhanced recovery project; or
(b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.
(10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.
(11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.
(12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.
(13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.

(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.
(15) (a) "Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of crude oil reported and received by the producer for Montana oil marketed during a calendar quarter is less than $30. If the price of oil is equal to or greater than $30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.
(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.
(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.
~~(15)~~(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.
(17) (a) "Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces more than 3 barrels a day but fewer than 10 barrels a day.
(b) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.
~~(16)~~(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.
~~(17)~~(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.
~~(18)~~(20) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).
~~(19)~~(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.
(b) Qualifying production does not include oil production from a horizontally recompleted well.
~~(20)~~(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:

(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.
(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.
(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:
(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or
(ii) any other method approved by the board as a secondary recovery method.
~~(21)~~(23) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.
~~(22) (a) "Stripper oil" means the oil produced from any well that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than $30. If the price of oil is equal to or greater than $30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.~~
~~(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~
~~(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.~~
~~(23)~~(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection ~~(22)(c)~~ (15)(c).
~~(24)~~(25) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:
(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.
(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.
(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:
(i) miscible fluid displacement;

(ii) steam drive injection;
(iii) micellar/emulsion flooding;
(iv) in situ combustion;
(v) polymer augmented water flooding;
(vi) cyclic steam injection;
(vii) alkaline or caustic flooding;
(viii) carbon dioxide water flooding;
(ix) immiscible carbon dioxide displacement; and
(x) any other method approved by the board as a tertiary recovery method.
~~(25)~~(26) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.
~~(26)~~(27) "Working interest owner" means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells." "
Insert: "**Section 3.** Section 15-36-303, MCA, is amended to read:
"**15-36-303. Definitions.** As used in this part, the following definitions apply:
(1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.
(2) "Department" means the department of revenue provided for in 2-15-1301.
(3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.
(4) "Existing enhanced recovery project" means an enhanced recovery project that began development before January 1, 1994.
(5) "Expanded enhanced recovery project" or "expansion" means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.
(6) "Gross taxable value", for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.
(7) "Horizontal drain hole" means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.
(8) "Horizontally completed well" means:
(a) a well with one or more horizontal drain holes; or
(b) any other well classified by the board as a horizontally completed well.
(9) "Incremental production" means:
(a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:
(i) commencing the recompletion of a well as a horizontally completed well;
(ii) expanding the existing enhanced recovery project; or
(iii) commencing a new enhanced recovery project; or

(b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.
(10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.
(11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.
(12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.
(13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.
(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.
(15) (a) "Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of crude oil reported and received by the producer for Montana oil marketed during a calendar quarter is less than $30. If the price of oil is equal to or greater than $30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.
(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.
(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.
~~(15)~~(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.
(17) (a) "Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces more than 3 barrels a day but fewer than 10 barrels a day.
(b) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.
~~(16)~~(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.
~~(17)~~(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.
~~(18)~~(20) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to

determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).

~~(19)~~(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.

(b) Qualifying production does not include oil production from a horizontally recompleted well.

~~(20)~~(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:

(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.

(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.

(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:

(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or

(ii) any other method approved by the board as a secondary recovery method.

~~(21)~~(23) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.

~~(22) (a) "Stripper oil" means the oil produced from any well that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than $30. If the price of oil is equal to or greater than $30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.~~

~~(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

~~(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.~~

~~(23)~~(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection ~~(22)(c)~~ (15)(c).

~~(24)~~(25) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:
(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.
(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.
(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:
(i) miscible fluid displacement;
(ii) steam drive injection;
(iii) micellar/emulsion flooding;
(iv) in situ combustion;
(v) polymer augmented water flooding;
(vi) cyclic steam injection;
(vii) alkaline or caustic flooding;
(viii) carbon dioxide water flooding;
(ix) immiscible carbon dioxide displacement; and
(x) any other method approved by the board as a tertiary recovery method.
~~(25)~~(26) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.
~~(26)~~(27) "Working interest owner" means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells.""
Insert: "**Section 4.** Section 15-36-303, MCA, is amended to read:
"**15-36-303. Definitions.** As used in this part, the following definitions apply:
(1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.
(2) "Department" means the department of revenue provided for in 2-15-1301.
(3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.
(4) "Existing enhanced recovery project" means an enhanced recovery project that began development before January 1, 1994.
(5) "Expanded enhanced recovery project" or "expansion" means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.
(6) "Gross taxable value", for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.

(7) "Horizontal drain hole" means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.
(8) "Horizontally completed well" means:
(a) a well with one or more horizontal drain holes; or
(b) any other well classified by the board as a horizontally completed well.
(9) "Incremental production" means:
(a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:
(i) commencing the recompletion of a well as a horizontally completed well;
(ii) expanding the existing enhanced recovery project; or
(iii) commencing a new enhanced recovery project; or
(b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.
(10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.
(11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.
(12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.
(13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.
(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.
(15) (a) "Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of crude oil reported and received by the producer for Montana oil marketed during a calendar quarter is less than $30. If the price of oil is equal to or greater than $30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.
(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.
(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.
~~(15)~~(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.
(17) (a) "Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces more than 3 barrels a day but fewer than 10 barrels a day.

(b) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.
~~(16)~~(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.
~~(17)~~(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.
~~(18)~~(20) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).
~~(19)~~(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.
(b) Qualifying production does not include oil production from a horizontally recompleted well.
~~(20)~~(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:
(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.
(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.
(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:
(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or
(ii) any other method approved by the board as a secondary recovery method.
~~(21)~~(23) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.
~~(22) (a) "Stripper oil" means the oil produced from any well that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if~~

~~the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than $30. If the price of oil is equal to or greater than $30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.~~
~~(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~
~~(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.~~
~~(23)~~(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection ~~(22)(c)~~ (15)(c).
~~(24)~~(25) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:
(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.
(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.
(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:
(i) miscible fluid displacement;
(ii) steam drive injection;
(iii) micellar/emulsion flooding;
(iv) in situ combustion;
(v) polymer augmented water flooding;
(vi) cyclic steam injection;
(vii) alkaline or caustic flooding;
(viii) carbon dioxide water flooding;
(ix) immiscible carbon dioxide displacement; and
(x) any other method approved by the board as a tertiary recovery method.
~~(25)~~(26) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.
~~(26)~~(27) "Working interest owner" means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells.""
Insert: "**Section 5.** Section 15-36-303, MCA, is amended to read:
"**15-36-303. Definitions.** As used in this part, the following definitions apply:
(1) "Board" means the board of oil and gas conservation provided for in 2-15-3303.
(2) "Department" means the department of revenue provided for in 2-15-1301.

(3) "Enhanced recovery project" means the use of any process for the displacement of oil from the earth other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process.
(4) "Existing enhanced recovery project" means an enhanced recovery project that began development before January 1, 1994.
(5) "Expanded enhanced recovery project" or "expansion" means the addition of injection wells or production wells, the recompletion of existing wells as horizontally completed wells, the change of an injection pattern, or other operating changes to an existing enhanced recovery project that will result in the recovery of oil that would not otherwise be recovered. The project must be developed after December 31, 1993.
(6) "Gross taxable value", for the purpose of computing the oil and natural gas production tax, means the gross value of the product as determined in 15-36-305.
(7) "Horizontal drain hole" means that portion of a wellbore with 70 degrees to 110 degrees deviation from the vertical and a horizontal projection within the common source of supply, as that term is defined by the board, that exceeds 100 feet.
(8) "Horizontally completed well" means:
(a) a well with one or more horizontal drain holes; or
(b) any other well classified by the board as a horizontally completed well.
(9) "Incremental production" means:
(a) the volume of oil produced by a new enhanced recovery project, by a well in primary recovery recompleted as a horizontally completed well, or by an expanded enhanced recovery project, which volume of production is in excess of the production decline rate established under the conditions existing before:
(i) commencing the recompletion of a well as a horizontally completed well;
(ii) expanding the existing enhanced recovery project; or
(iii) commencing a new enhanced recovery project; or
(b) in the case of any project that had no taxable production prior to commencing the enhanced recovery project, all production of oil from the enhanced recovery project.
(10) "Natural gas" or "gas" means natural gas and other fluid hydrocarbons, other than oil, produced at the wellhead.
(11) "New enhanced recovery project" means an enhanced recovery project that began development after December 31, 1993.
(12) "Nonworking interest owner" means any interest owner who does not share in the exploration, development, and operation costs of the lease or unit, except for production taxes.
(13) "Oil" means crude petroleum or mineral oil and other hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and that are not the result of condensation of gas after it leaves the wellhead.
(14) "Operator" or "producer" means a person who produces oil or natural gas within this state or who owns, controls, manages, leases, or operates within this state any well or wells from which any marketable oil or natural gas is extracted or produced.
(15) (a) "Post-1999 stripper well" means an oil well drilled on or after January 1, 1999, that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of crude oil reported and received by the producer for Montana oil marketed during a calendar quarter is less than $30. If the price of oil is equal to or greater than $30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.

(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.
(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.
~~(15)~~(16) "Post-1999 well" means an oil or natural gas well drilled on or after January 1, 1999, that produces oil or natural gas or a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying as a post-1999 well.
(17) (a) "Pre-1999 stripper well" means an oil well that was drilled before January 1, 1999, that produces more than 3 barrels a day but fewer than 10 barrels a day.
(b) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.
~~(16)~~(18) "Pre-1999 well" means an oil or natural gas well that was drilled before January 1, 1999.
~~(17)~~(19) "Primary recovery" means the displacement of oil from the earth into the wellbore by means of the natural pressure of the oil reservoir and includes artificial lift.
~~(18)~~(20) "Production decline rate" means the projected rate of future oil production, extrapolated by a method approved by the board, that must be determined for a project area prior to commencing a new or expanded enhanced recovery project or the recompletion of a well as a horizontally completed well. The approved production decline rate must be certified in writing to the department by the board. In that certification, the board shall identify the project area and shall specify the projected rate of future oil production by calendar year and by calendar quarter within each year. The certified rate of future oil production must be used to determine the volume of incremental production that qualifies for the tax rate imposed under 15-36-304(5)(e).
~~(19)~~(21) (a) "Qualifying production" means the first 12 months of production of oil or natural gas from a well drilled after December 31, 1998, or the first 18 months of production of oil or natural gas from a horizontally completed well drilled after December 31, 1998, or from a well that has not produced oil or natural gas during the 5 years immediately preceding the first month of qualifying production.
(b) Qualifying production does not include oil production from a horizontally recompleted well.
~~(20)~~(22) "Secondary recovery project" means an enhanced recovery project, other than a tertiary recovery project, that commenced or was expanded after December 31, 1993, and meets each of the following requirements:
(a) The project must be certified as a secondary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.
(b) The property to be affected by the project must be adequately delineated according to the specifications required by the board.
(c) The project must involve the application of secondary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of oil that may potentially be recovered. For purposes of this part, secondary recovery methods include but are not limited to:

(i) the injection of water into the producing formation for the purposes of maintaining pressure in that formation or for the purpose of increasing the flow of oil from the producing formation to a producing wellbore; or
(ii) any other method approved by the board as a secondary recovery method.
~~(21)~~(23) "Stripper natural gas" means the natural gas produced from any well that produces less than 60,000 cubic feet of natural gas a day during the calendar year immediately preceding the current year. Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365.
~~(22) (a) "Stripper oil" means the oil produced from any well that produces more than 3 barrels but fewer than 15 barrels a day for the calendar year immediately preceding the current year if the average price for a barrel of west Texas intermediate crude oil during a calendar quarter is less than $30. If the price of oil is equal to or greater than $30 a barrel in a calendar quarter, there is no stripper tax rate in that quarter.~~
~~(b) The average price for a barrel is computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~
~~(c) Production must be determined by dividing the amount of production from a lease or unitized area for the year immediately preceding the current calendar year by the number of producing wells in the lease or unitized area and then dividing the resulting quotient by 365.~~
~~(23)~~(24) "Stripper well exemption" or "stripper well bonus" means petroleum and other mineral or crude oil produced by a stripper well that produces 3 barrels a day or less. Production from this type of well must be determined as provided in subsection ~~(22)(c)~~ (15)(c).
~~(24)~~(25) "Tertiary recovery project" means an enhanced recovery project, other than a secondary recovery project, using a tertiary recovery method that meets the following requirements:
(a) The project must be certified as a tertiary recovery project to the department by the board. The certification may be extended only after notice and hearing in accordance with Title 2, chapter 4.
(b) The property to be affected by the project must be adequately delineated in the certification according to the specifications required by the board.
(c) The project must involve the application of one or more tertiary recovery methods that can reasonably be expected to result in an increase, determined by the board to be significant in light of all the facts and circumstances, in the amount of crude oil that may potentially be recovered. For purposes of this part, tertiary recovery methods include but are not limited to:
(i) miscible fluid displacement;
(ii) steam drive injection;
(iii) micellar/emulsion flooding;
(iv) in situ combustion;
(v) polymer augmented water flooding;
(vi) cyclic steam injection;
(vii) alkaline or caustic flooding;
(viii) carbon dioxide water flooding;
(ix) immiscible carbon dioxide displacement; and
(x) any other method approved by the board as a tertiary recovery method.

~~(25)~~(26) "Well" or "wells" means a single well or a group of wells in one field or production unit and under the control of one operator or producer.
~~(26)~~(27) "Working interest owner" means the owner of an interest in an oil or natural gas well or wells who bears any portion of the exploration, development, and operating costs of the well or wells.""
Renumber: subsequent sections

7. Page 7, table following line 4.
Amended table to read:

	"Working Interest	Nonworking Interest
(a) primary recovery production:		
(i) first 12 months of qualifying production	0.5%	14.8%
(ii) after 12 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%
(b) (i) pre-1999 stripper ~~oil production:~~ wells	~~5%~~ 9.2%	14.8%
(ii) (A) pre-1999 stripper well exemption production	0.5%	14.8%
(B) pre-1999 stripper well bonus production	5%	14.8%
(c) (i) post-1999 stripper wells:		
~~(i)~~(A) first 1 through 10 barrels a day production	5.5%	14.8%
~~(ii)~~(B) more than 10 barrels a day production	9.0%	14.8%
~~(c)~~(ii)~~(i)~~ (A) post-1999 stripper well exemption production	0.5%	14.8%
~~(ii)~~(B) post-1999 stripper well bonus production	6.0%	14.8%
(d) horizontally completed well production:		
(i) first 18 months of qualifying production	0.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%

(e) incremental production:		
(i) new or expanded secondary recovery production	8.5%	14.8%
(ii) new or expanded tertiary production	5.8%	14.8%
(f) horizontally recompleted well:		
(i) first 18 months	5.5%	14.8%
(ii) after 18 months:		
(A) pre-1999 wells	12.5%	14.8%
(B) post-1999 wells	9%	14.8%"

8. Page 8, line 20.
Following: "(5)(b)(ii)"
Insert: "(A)"

9. Page 8, line 23.
Following: "~~bonus~~"
Insert: "bonus"

10. Page 9.
Following: line 19
Insert: "**Section 7.** Section 15-36-304, MCA, is amended to read:
"**15-36-304. Production tax rates imposed on oil and natural gas -- exemption.** (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.
(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

Working
Nonworking

Interest
Interest
(a) (i) first 12 months of qualifying production
0.5%
14.8%
(ii) after 12 months:

(A) pre-1999 wells
14.8%
14.8%
(B) post-1999 wells
9%
14.8%
(b) stripper natural gas pre-1999 wells
11%
14.8%
(c) horizontally completed well production:

(i) first 18 months of qualifying production
0.5%
14.8%
(ii) after 18 months
9%
14.8%
(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.
(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.
(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

Working
Nonworking

Interest
Interest
(a) primary recovery production:

(i) first 12 months of qualifying production
0.5%
14.8%
(ii) after 12 months:

(A) pre-1999 wells
12.5%
14.8%
(B) post-1999 wells
9%

14.8%
(b) (i) pre-1999 stripper ~~oil production: wells~~
~~5%~~ 9.2%
14.8%
(ii) (A) pre-1999 stripper well exemption production
(B) pre-1999 stripper well bonus production
(c) (i) post-1999 stripper wells:
~~(i)~~(A) first 1 through 10 barrels a day production
0.5%

5%

5.5%
14.8%

14.8%

14.8%
~~(ii)~~(B) more than 10 barrels a day production
9.0%
14.8%
~~(c)~~(ii)~~(i)~~ (A) post-1999 stripper well exemption production
0.5%
14.8%
~~(ii)~~(B) post-1999 stripper well bonus production
6.0%
14.8%
(d) horizontally completed well production:

(i) first 18 months of qualifying production
0.5%
14.8%
(ii) after 18 months:

(A) pre-1999 wells
12.5%
14.8%
(B) post-1999 wells
9%
14.8%
(e) incremental production:

(i) new or expanded secondary recovery production
8.5%
14.8%

(ii) new or expanded tertiary production
5.8%
14.8%
(f) horizontally recompleted well:

(i) first 18 months
5.5%
14.8%
(ii) after 18 months:

(A) pre-1999 wells
12.5%
14.8%
(B) post-1999 wells
9%
14.8%
(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.
(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.
(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.
(c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price ~~for a barrel of west Texas intermediate crude~~ reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54. If the price of oil is equal to or greater than $54 a barrel ~~in a calendar quarter as determined in subsection (6)(e)~~, then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.
(d) ~~(i) Stripper~~ Pre-1999 stripper well exemption production is taxed as provided in subsection ~~(5)(c)(i)~~ (5)(b)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54 a barrel. If the price of oil is equal to or greater than $54 a barrel, there is no pre-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as pre-1999 stripper well bonus production.
(e) (i) Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54 a barrel. If the price of oil is equal to or greater than $54 a barrel, there is no post-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.

(ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than $54 a barrel.

~~(e) For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

(7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.

(8) Any interest in production owned by the state or a local government is exempt from taxation under this section.""

Insert: "**Section 8.** Section 15-36-304, MCA, is amended to read:

"**15-36-304. Production tax rates imposed on oil and natural gas -- exemption.** (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.

(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

Working
Nonworking

Interest
Interest
(a) (i) first 12 months of qualifying production
0.5%
14.8%
(ii) after 12 months:

(A) pre-1999 wells
14.8%
14.8%
(B) post-1999 wells
9%
14.8%
(b) stripper natural gas pre-1999 wells
11%
14.8%
(c) horizontally completed well production:

(i) first 18 months of qualifying production
0.5%
14.8%
(ii) after 18 months
9%
14.8%
(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.
(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.
(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

Working
Nonworking

Interest
Interest
(a) primary recovery production:

(i) first 12 months of qualifying production
0.5%
14.8%
(ii) after 12 months:

(A) pre-1999 wells
12.5%
14.8%
(B) post-1999 wells
9%
14.8%
(b) (i) pre-1999 stripper ~~oil production:~~ wells
~~5%~~ 9.2%
14.8%
(ii) (A) pre-1999 stripper well exemption production
(B) pre-1999 stripper well bonus production
(c) (i) post-1999 stripper wells:
~~(i)~~(A) first 1 through 10 barrels a day production
0.5%

5%

5.5%
14.8%

14.8%

14.8%
~~(ii)~~(B) more than 10 barrels a day production
9.0%
14.8%
~~(c)~~(ii)~~(i)~~ (A) post-1999 stripper well exemption production
0.5%
14.8%
~~(ii)~~(B) post-1999 stripper well bonus production
6.0%
14.8%
(d) horizontally completed well production:

(i) first 18 months of qualifying production
0.5%
14.8%
(ii) after 18 months:

(A) pre-1999 wells
12.5%
14.8%
(B) post-1999 wells
9%
14.8%
(e) incremental production:

(i) new or expanded secondary recovery production
8.5%
14.8%
(ii) new or expanded tertiary production
5.8%
14.8%
(f) horizontally recompleted well:

(i) first 18 months
5.5%
14.8%
(ii) after 18 months:

(A) pre-1999 wells
12.5%

14.8%
(B) post-1999 wells
9%
14.8%
(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.
(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.
(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.
(c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price ~~for a barrel of west Texas intermediate crude~~ reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54. If the price of oil is equal to or greater than $54 a barrel ~~in a calendar quarter as determined in subsection (6)(e)~~, then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.
(d) ~~(i) Stripper~~ Pre-1999 stripper well exemption production is taxed as provided in subsection ~~(5)(c)(i)~~ (5)(b)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54 a barrel. If the price of oil is equal to or greater than $54 a barrel, there is no pre-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as pre-1999 stripper well bonus production.
(e) (i) Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54 a barrel. If the price of oil is equal to or greater than $54 a barrel, there is no post-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.
(ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than $54 a barrel.
~~(e) For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~
(7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.

(8) Any interest in production owned by the state or a local government is exempt from taxation under this section.""

Insert: "Section 9. Section 15-36-304, MCA, is amended to read:
"**15-36-304. Production tax rates imposed on oil and natural gas -- exemption.** (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.
(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

Working
Nonworking

Interest
Interest
(a) (i) first 12 months of qualifying production
0.5%
14.8%
(ii) after 12 months:

(A) pre-1999 wells
14.8%
14.8%
(B) post-1999 wells
9%
14.8%
(b) stripper natural gas pre-1999 wells
11%
14.8%
(c) horizontally completed well production:

(i) first 18 months of qualifying production
0.5%
14.8%
(ii) after 18 months
9%
14.8%
(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.
(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month

immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.

(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

Working
Nonworking

Interest
Interest
(a) primary recovery production:

(i) first 12 months of qualifying production
0.5%
14.8%
(ii) after 12 months:

(A) pre-1999 wells
12.5%
14.8%
(B) post-1999 wells
9%
14.8%
(b) (i) pre-1999 stripper ~~oil production:~~ wells
~~5%~~ 9.2%
14.8%
(ii) (A) pre-1999 stripper well exemption production
(B) pre-1999 stripper well bonus production
(c) (i) post-1999 stripper wells:
~~(i)~~(A) first 1 through 10 barrels a day production
0.5%

5%

5.5%
14.8%

14.8%

14.8%
~~(ii)~~(B) more than 10 barrels a day production
9.0%
14.8%
~~(c)~~(ii)~~(i)~~ (A) post-1999 stripper well exemption production
0.5%

14.8%
~~(ii)~~(B) post-1999 stripper well bonus production
6.0%
14.8%
(d) horizontally completed well production:

(i) first 18 months of qualifying production
0.5%
14.8%
(ii) after 18 months:

(A) pre-1999 wells
12.5%
14.8%
(B) post-1999 wells
9%
14.8%
(e) incremental production:

(i) new or expanded secondary recovery production
8.5%
14.8%
(ii) new or expanded tertiary production
5.8%
14.8%
(f) horizontally recompleted well:

(i) first 18 months
5.5%
14.8%
(ii) after 18 months:

(A) pre-1999 wells
12.5%
14.8%
(B) post-1999 wells
9%
14.8%
(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.
(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.
(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted

well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.

(c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price ~~for a barrel of west Texas intermediate crude~~ reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54. If the price of oil is equal to or greater than $54 a barrel ~~in a calendar quarter as determined in subsection (6)(e)~~, then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.

(d) ~~(i) Stripper~~ Pre-1999 stripper well exemption production is taxed as provided in subsection ~~(5)(c)(i)~~ (5)(b)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54 a barrel. If the price of oil is equal to or greater than $54 a barrel, there is no pre-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as pre-1999 stripper well bonus production.

(e) (i) Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54 a barrel. If the price of oil is equal to or greater than $54 a barrel, there is no post-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.

(ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than $54 a barrel.

~~(e) For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

(7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.

(8) Any interest in production owned by the state or a local government is exempt from taxation under this section.""

Insert: "Section 10. Section 15-36-304, MCA, is amended to read:

"**15-36-304. Production tax rates imposed on oil and natural gas -- exemption.** (1) The production of oil and natural gas is taxed as provided in this section. The tax is distributed as provided in 15-36-331 and 15-36-332.

(2) Natural gas is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

Working
Nonworking

Interest
Interest
(a) (i) first 12 months of qualifying production
0.5%
14.8%
(ii) after 12 months:

(A) pre-1999 wells
14.8%
14.8%
(B) post-1999 wells
9%
14.8%
(b) stripper natural gas pre-1999 wells
11%
14.8%
(c) horizontally completed well production:

(i) first 18 months of qualifying production
0.5%
14.8%
(ii) after 18 months
9%
14.8%
(3) The reduced tax rates under subsection (2)(a)(i) on production for the first 12 months of natural gas production from a well begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.
(4) The reduced tax rates under subsection (2)(c)(i) on production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which natural gas is placed in a natural gas distribution system, provided that notification has been given to the department.
(5) Oil is taxed on the gross taxable value of production based on the type of well and type of production according to the following schedule for working interest and nonworking interest owners:

Working
Nonworking

Interest
Interest
(a) primary recovery production:

(i) first 12 months of qualifying production
0.5%
14.8%
(ii) after 12 months:

(A) pre-1999 wells
12.5%
14.8%
(B) post-1999 wells
9%
14.8%
(b) (i) pre-1999 stripper ~~oil production:~~ wells
~~5%~~ 9.2%
14.8%
(ii) (A) pre-1999 stripper well exemption production
(B) pre-1999 stripper well bonus production
(c) (i) post-1999 stripper wells:
~~(i)~~(A) first 1 through 10 barrels a day production
0.5%

5%

5.5%
14.8%

14.8%

14.8%
~~(ii)~~(B) more than 10 barrels a day production
9.0%
14.8%
~~(c)~~(ii)~~(i)~~ (A) post-1999 stripper well exemption production
0.5%
14.8%
~~(ii)~~(B) post-1999 stripper well bonus production
6.0%
14.8%
(d) horizontally completed well production:

(i) first 18 months of qualifying production
0.5%
14.8%
(ii) after 18 months:

(A) pre-1999 wells

12.5%
14.8%
(B) post-1999 wells
9%
14.8%
(e) incremental production:

(i) new or expanded secondary recovery production
8.5%
14.8%
(ii) new or expanded tertiary production
5.8%
14.8%
(f) horizontally recompleted well:

(i) first 18 months
5.5%
14.8%
(ii) after 18 months:

(A) pre-1999 wells
12.5%
14.8%
(B) post-1999 wells
9%
14.8%
(6) (a) The reduced tax rates under subsection (5)(a)(i) for the first 12 months of oil production from a well begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows, provided that notification has been given to the department.
(b) (i) The reduced tax rates under subsection (5)(d)(i) on oil production from a horizontally completed well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally completed well to the department by the board.
(ii) The reduced tax rates under subsection (5)(f)(i) on oil production from a horizontally recompleted well for the first 18 months of production begin following the last day of the calendar month immediately preceding the month in which oil is pumped or flows if the well has been certified as a horizontally recompleted well to the department by the board.
(c) New or expanded secondary recovery production is taxed as provided in subsection (5)(e)(i) only if the average price ~~for a barrel of west Texas intermediate crude~~ reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54. If the price of oil is equal to or greater than $54 a barrel ~~in a calendar quarter as determined in subsection (6)(e)~~, then new or expanded secondary recovery production from pre-1999 wells and from post-1999 wells is taxed at the rate imposed on primary recovery production under subsections (5)(a)(ii)(A) and (5)(a)(ii)(B), respectively, for production occurring in that quarter, other than exempt stripper well production.
(d) ~~(i) Stripper~~ Pre-1999 stripper well exemption production is taxed as provided in subsection

~~(5)(c)(i)~~ (5)(b)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54 a barrel. If the price of oil is equal to or greater than $54 a barrel, there is no pre-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as pre-1999 stripper well bonus production.

(e) (i) Post-1999 stripper well exemption production is taxed as provided in subsection (5)(c)(ii)(A) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is less than $54 a barrel. If the price of oil is equal to or greater than $54 a barrel, there is no post-1999 stripper well exemption tax rate and oil produced from a well that produces 3 barrels a day or less is taxed as stripper well bonus production.

(ii) Stripper well bonus production is subject to taxation as provided in subsection (5)(c)(ii)(B) only if the average price reported and received by the producer for Montana oil marketed during a calendar quarter is equal to or greater than $54 a barrel.

~~(e) For the purposes of subsection (6)(c), the average price for each barrel must be computed by dividing the sum of the daily price for a barrel of west Texas intermediate crude oil for the calendar quarter by the number of days on which the price was reported in the quarter.~~

(7) The tax rates imposed under subsections (2) and (5) on working interest owners and nonworking interest owners must be adjusted to include the privilege and license tax adopted by the board of oil and gas conservation pursuant to 82-11-131 and the tax for the oil and gas natural resource distribution account. The total of the privilege and license tax and the tax for the oil and gas natural resource distribution account established in 90-6-1001(1) is 0.3%.

(8) Any interest in production owned by the state or a local government is exempt from taxation under this section.""

Insert: "NEW SECTION. **Section 11.** {standard} **Severability**. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

11. Page 9, line 20.
Strike: "**date**"
Insert: "**dates -- applicability**"

12. Page 9, line 20.
Following: "**date.**"
Insert: "(1)"
Strike: "[This act]"
Insert: "Except as provided in subsections (2) through (6), [this act]"

13. Page 9, line 20.
Following: "2021."
Insert: "(2) [Sections 1 and 6] are effective January 1, 2022, and apply to the calendar year beginning after December 31, 2021.

(3) [Sections 2 and 7] are effective January 1, 2023, and apply to the calendar year beginning after December 31, 2022.
(4) [Sections 3 and 8] are effective January 1, 2024, and apply to the income calendar year beginning after December 31, 2023.
(5) [Sections 4 and 9] are effective January 1, 2025, and apply to the calendar year beginning after December 31, 2024.
(6) [Sections 5 and 10] are effective January 1, 2026, and apply to calendar years beginning after December 31, 2025."

14. Page 9.
Following: line 20
Insert: "NEW SECTION. **Section 13. Termination**. (1) [Sections 1 and 6] terminate December 31, 2022.
(2) [Sections 2 and 7] terminate December 31, 2023.
(3) [Sections 3 and 8] terminate December 31, 2024.
(4) [Sections 4 and 9] terminate December 31, 2025.
(5) [Section 14] terminates January 1, 2025. "
Insert: "NEW SECTION. **Section 14. Contingent termination -- legislative intent -- specific findings -- report to legislative finance committee**. (1) The legislature intends to provide the tax relief provided by [this act] while also preventing the loss of federal funds that are available to the state as part of the recently enacted American Rescue Plan Act, Public Law 117-2. The contingent termination provisions in subsections (2) through (5) are limited to the duration of time established by each subsection and are necessary based on the lack of information available to the legislature from the federal government at the time of enactment of [this act].
(2) [Sections 1 and 6] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made in calendar year 2021.
(3) [Sections 2 and 7] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2022, and December 31, 2022.
(4) [Sections 3 and 8] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2023, and December 31, 2023.
(5) [Sections 4 and 9] terminate on the date that the budget director provides the certification provided for in subsection (7). In order to be effective, the certification must be made between October 1, 2024, and December 31, 2024.
(6) (a) The budget director shall continually evaluate whether implementation of a section of [this act] will:
(i) result in a reduction of funds from the American Rescue Plan Act; or
(ii) require the state to repay or refund to the federal government pursuant to the American Rescue Plan Act.
(b) The budget director shall consider guidance from:
(i) the federal government about the American Rescue Plan Act;
(ii) court decisions about the American Rescue Plan Act;

(iii) amendments to the American Rescue Plan Act;
(iv) any information provided by the attorney general; and
(v) other relevant information about the American Rescue Plan Act.
(c) If the budget director determines that the implementation of a section of [this act] may satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b), the budget director shall notify the legislative finance committee of the preliminary determination. The budget director's notification of the preliminary determination may occur after January 1 but no later than December 10 of each of the calendar years 2021, 2022, 2023, and 2024. Within 20 days of notification, the legislative finance committee shall provide the budget director with any recommendations concerning the preliminary determination. The budget director shall consider any recommendations of the legislative finance committee.
(7) If the budget director determines that the implementation of a section of [this act] would more likely than not satisfy the criteria in subsection (6)(a) based on the guidance in subsection (6)(b) and the recommendations of the legislative finance committee in subsection (6)(c), the budget director shall provide certification in writing to the legislative finance committee and the code commissioner of the occurrence of the relevant contingency provided for in subsections (2) through (5)."

And, as amended, be concurred in.

HB 705, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

HB 648 - The House failed to concur in Senate amendments to **HB 648,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 648:**

4/26/2021

Representative Kassmier, Vice Chair
Representative Fitzgerald
Representative Keane

HB 663 - The House failed to concur in Senate amendments to **HB 663,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 663:**

4/26/2021

Representative Ler, Vice Chair
Representative Jones
Representative Novak

HB 678 - The House failed to concur in Senate amendments to **HB 678,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 678:**

4/26/2021

Representative Bartel, Vice Chair
Representative Ricci
Representative Stewart Peregoy

HB 693 - The House failed to concur in Senate amendments to **HB 693,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 693:**

4/26/2021

Representative Mercer, Vice Chair
Representative Kerr-Carpenter
Representative Patelis

HB 555 - The House dissolved the Conference Committee on Senate amendments to **HB 555**, and authorized the Speaker to appoint the following **Free** Conference Committee to confer on **HB 555:**

4/26/2021

Representative M. Regier, Vice Chair
Representative Farris-Olsen
Representative Mercer

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGillvray in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 35 - Senator Friedel moved **SJ 35** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 63 - **Conference Committee Report No. 1** - Senator Fitzpatrick moved the Conference Committee report to **HB 63** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 276 - **Conference Committee Report No. 1** - Senator Glimm moved the Conference Committee report to **HB 276** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn.
Total 43

Nays: Brown, Esp, Glimm, Hinebauch, Keenan, Manzella, Mr. President.
Total 7

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 279 - Senator Salomon moved **HB 279** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 525 - **Free Conference Committee Report No. 1** - Senator Fitzpatrick moved the Free Conference Committee report to **HB 525** be adopted. Motion carried as follows:

Yeas: Ankney, Brown, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hoven, Howard, Kary, Keenan, Manzella, McClafferty, McNally, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Small, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Fox, Gross, Hinebauch, Jacobson, Lang, Lynch, McGillvray, Morigeau, O'Brien, Pomnichowski, Sands, Smith C, Sweeney, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 30 - Senator Friedel moved **HJ 30** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 660 - Senator Osmundson moved **HB 660** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 191 - Senator Hoven moved **HB 191** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Tempel.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 686 - Senator Keenan moved **HB 686** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Sales, Small, Smith C, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Keenan, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Salomon, Sands, Sweeney, Tempel, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 530 - Majority Leader Smith moved consideration of **HB 530** be passed to the next second reading agenda this day. Without objection, so ordered.

Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair McGillvray moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 35

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Webber.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Ankney, who is term limited, addressed the Senate with remembrances and final remarks.

ANNOUNCEMENTS

Committee meetings and conference committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate recess until 4:15 p.m. Without objection, so ordered. Senate recessed at 2:44 p.m.

Senate reconvened at 4:17 p.m., President Blasdel presiding.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGillvray in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 530 - Senator Fitzpatrick moved **HB 530** be concurred in.

HB 530 - Senator Fitzpatrick moved **HB 530**, second reading copy, be amended as follows:

1. Title, line 14.
Following: "REQUIREMENTS;"
Insert: "DIRECTING THE SECRETARY OF STATE TO ADOPT A RULE PROHIBITING CERTAIN PERSONS FROM RECEIVING PECUNIARY BENEFITS WITH RESPECT TO CERTAIN BALLOT ACTIVITIES; PROVIDING PENALTIES;"

2. Page 1, line 20 through line 22.
Strike: "using" on line 20 through "commerce" on line 22

3. Page 2.
Following: line 2
Insert: "NEW SECTION. **Section 2. Direction to secretary of state -- penalty.** (1) On or before July 1, 2022, the secretary of state shall adopt an administrative rule in substantially the following form:
(a) For the purposes of enhancing election security, a person may not provide or offer to provide, and a person may not accept, a pecuniary benefit in exchange for distributing, ordering, requesting, collecting, or delivering ballots.
(b) "Person" does not include a government entity, a state agency as defined in 1-2-116, a local government as defined in 2-6-1002, an election administrator, an election judge, a person authorized by an election administrator to prepare or distribute ballots, or a public or private mail service or its employees acting in the course and scope of the mail service's duties to carry and deliver mail.
(2) A person violating the rule adopted by the secretary of state pursuant to subsection (1) is subject to a civil penalty. The civil penalty is a fine of $100 for each ballot distributed, ordered, requested, collected, or delivered in violation of the rule."
Renumber: subsequent sections

4. Page 2, line 4.
Following: "instruction."
Insert: "(1)"

5. Page 2.
Following: line 5
Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 13, and the provisions of Title 13 apply to [section 2]."

6. Page 2.
Following: line 6
Insert: "NEW SECTION. **Section 4.** {standard} **Severability**. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent section

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Sweeney, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Tempel, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 530 - As amended, **HB 530** was concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 33 - Senator Pope moved **SJ 33** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Mr. President.

Total 38

Nays: Brown, Ellsworth, Esp, Glimm, Hertz, Hinebauch, Howard, Manzella, Osmundson, Smith C, Vance, Welborn.
Total 12

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 230 - **Free Conference Committee Report No. 1** - Senator K. Regier moved the Free Conference Committee report to **HB 230** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 402 - **House Amendments** - Majority Leader Smith moved House amendments to **SB 402** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair McGillvray moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 41

Nays: Bennett, Boland, Boldman, Gross, McClafferty, Morigeau, Pomnichowski, Sweeney, Webber.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved the Senate appoint a Free Conference Committee on **SB 402** and request the House appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Smith, Chair, and Senators Esp and Sands.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Free Conference Committee on **HB 693**. Without objection, so ordered. President Blasdel appointed Senator Osmundson, Chair, and Senators Howard and Lynch.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Free Conference Committee on **HB 555**. Without objection, so ordered. President Blasdel appointed Senator Fitzpatrick, Chair, and Senators Friedel and Webber.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Free Conference Committee on **HB 678**. Without objection, so ordered. President Blasdel appointed Senator Osmundson, Chair, and Senators Kary and Lynch.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Free Conference Committee on **HB 648**. Without objection, so ordered. President Blasdel appointed Senator Ankney, Chair, and Senators Lynch and Welborn.

Majority Leader Smith moved that **HB 530**, **SJ 33**, and **HB 230** be added to the final third reading this date. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 116, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 165, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar,

Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 173, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 212, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 45

Nays: Gross, McClafferty, Pomnichowski, Sands, Webber.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 320, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Jacobson, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 36

Nays: Brown, Cuffe, Esp, Glimm, Hinebauch, Howard, Kary, Keenan, Lang, McGillvray, O'Brien, Regier K, Smith C, Tempel.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 395, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 35 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 191 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Tempel.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 279 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 660 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 686 failed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Manzella, Osmundson, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.

Total 23

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sands, Sweeney, Tempel, Webber.
Total 27

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 30 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 63 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 276 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn.
Total 39

Nays: Bogner, Cuffe, Esp, Glimm, Hertz, Hinebauch, Kary, Manzella, Regier K, Vance, Mr. President.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 525 concurred in as follows:

Yeas: Ankney, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Kary, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 39

Nays: Bennett, Bogner, Cuffe, Esp, Jacobson, Keenan, Lang, McGillvray, O'Brien, Smith C, Tempel.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 72 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 629 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hoven, Howard, Jacobson, Kary, Lynch, Manzella, McNally, Morigeau, O'Brien, Osmundson, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Mr. President.
Total 37

Nays: Bogner, Gross, Hinebauch, Keenan, Lang, McClafferty, McGillvray, Molnar, Pomnichowski, Regier K, Tempel, Webber, Welborn.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 651 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 705 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Vance, Webber, Mr. President.
Total 38

Nays: Bogner, Cuffe, Esp, Hinebauch, Howard, Keenan, Lang, McGillvray, O'Brien, Smith C, Tempel, Welborn.
Total 12

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 530 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar,

Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 33 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Mr. President.
Total 37

Nays: Brown, Ellsworth, Esp, Glimm, Hertz, Hinebauch, Howard, Keenan, Manzella, Osmundson, Smith C, Vance, Welborn.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 230 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 10:00 a.m., Tuesday, April 27, 2021, the seventy-eighth legislative day. Motion carried.

Senate adjourned at 4:52 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SEVENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 27, 2021 — State Capitol

Senate convened at 10:00 a.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/27/2021

Correctly printed: **SJ 33**, **SJ 35**, **SR 47**, **HB 72**, **HB 191**, **HB 279**, **HB 303**, **HB 340**, **HB 397**, **HB 629**, **HB 651**, **HB 660**, **HB 661**, **HB 686**, **HB 705**, **HJ 30**, **HJ 31**, **HJ 34**, **HJ 36**, **HJ 40**.
Correctly engrossed: **HB 303**, **HB 340**, **HB 530**, **HB 656**, **HB 661**.
Correctly enrolled: **SB 213**, **SB 219**, **SB 237**, **SB 287**, **SB 308**, **SB 344**, **SB 363**, **SB 367**, **SB 370**, **SJ 3**, **SJ 13**, **SR 96**.
Examined by the sponsor and found to be correct: **SB 213**, **SB 219**, **SB 237**, **SB 287**, **SB 308**, **SB 344**, **SB 367**, **SB 370**, **SJ 3**, **SJ 13**.
Transmitted to the House: **SJ 33**, **SJ 35**, **HB 72**, **HB 191**, **HB 279**, **HB 303**, **HB 340**, **HB 397**, **HB 530**, **HB 629**, **HB 651**, **HB 660**, **HB 661**, **HB 705**, **HJ 30**, **HJ 31**, **HJ 34**, **HJ 36**, **HJ 40**.
Signed by the Secretary of the Senate at 7:30 a.m., April 7, 2021: **SB 91**.
Signed by the Secretary of the Senate at 11:00 a.m., April 21, 2021: **SB 234**.
Signed by the Secretary of the Senate at 12:45 p.m., April 26, 2021: **SB 233**, **SB 249**.
Signed by the President at 8:00 a.m., April 27, 2021: **SB 91**, **SB 93**, **SB 233**, **SB 234**, **SB 249**.
Signed by the Speaker at 12:40 p.m., April 27, 2021: **SB 91**, **SB 93**, **SB 233**, **SB 234**, **SB 249**.
Delivered to the Governor for signature at 2:25 p.m., April 27, 2021: **SB 91**, **SB 93**, **SB 233**, **SB 234**, **SB 249**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 4/27/2021
HJ 31, be concurred in.
HJ 34, be concurred in.
HJ 40, be concurred in.

TAXATION (Hoven, Chair): 4/27/2021
HJ 36, be concurred in.

Without objection, committee reports were adopted.

FREE CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 316**
Report No. 002, April 27, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 316** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 316** (reference copy -- salmon) be amended as follows:

1. Title, line 5.
Following: "FUNDS FOR"
Strike: "CONSTRUCTION REPAIRS AND"

2. Title, line 6.
Strike: "REVISING THE MONTANA CONTAMINATED PROPERTY AND RESTORATION ACT;"
Insert: "REVISING THE LIABILITY STANDARD USED IN REMEDIAL ACTIONS IN THE COMPREHENSIVE ENVIRONMENTAL CLEANUP AND RESPONSIBILITY ACT;"

3. Title, line 7.
Following: "FUNDS FOR"
Strike: "CONSTRUCTION REPAIRS AND"

4. Title, line 11.
Strike: "A DEFINITION"
Insert: "DEFINITIONS"

5. Title, line 11.
Following: "DEFINITION;"
Insert: "AMENDING SECTION 75-10-711, MCA;"

6. Title, line 11 through line 12.
Following: "EFFECTIVE DATE"
Strike: "AND" on line 11 through "DATE" on line 12

7. Page 1, line 16 through page 4, line 1.
Strike: sections 1 through 3 in their entirety
Renumber: subsequent sections

8. Page 5.
Following: line 20
Insert: "**Section 2.** Section 75-10-711, MCA, is amended to read:
"**75-10-711. Remedial action -- orders -- penalties -- judicial proceedings.** (1) The department may take remedial action whenever:
(a) there has been a release or there is a substantial threat of a release into the environment that may present an imminent and substantial endangerment to the public health, safety, or welfare or to the environment; and

(b) none of the persons who are liable or potentially liable under 75-10-715(1) and who have been given the opportunity by letter to properly and expeditiously perform the appropriate remedial action will properly and expeditiously perform the appropriate remedial action. Any person liable under 75-10-715(1) shall take immediate action to contain, remove, and abate the release.
(2) Whenever the department is authorized to act pursuant to subsection (1) or has reason to believe that a release has occurred or is about to occur, the department may undertake remedial action in the form of any investigation, monitoring, survey, testing, or other information gathering as authorized by 75-10-707 that is necessary and appropriate to identify the existence, nature, origin, and extent of the release or the threat of release and the extent and imminence of the danger to the public health, safety, or welfare or to the environment.
(3) Except as provided in 75-10-712, the department is authorized to draw on the fund to take action under subsection (1) if it has made diligent good faith efforts to determine the identity of the person or persons liable for the release or threatened release and:
(a) is unable to determine the identity of the liable person or persons in a manner consistent with the need to take timely remedial action; or
(b) a person or persons determined by the department to be liable or potentially liable under 75-10-715(1) have been informed in writing of the department's determination and have been requested by the department to take appropriate remedial action but are unable or unwilling to take action in a timely manner; and
(c) the written notice informs the person that if subsequently found liable pursuant to 75-10-715(1), the person may be required to reimburse the fund for the state's remedial action costs and may be subject to penalties pursuant to this part.
(4) Whenever the department is authorized to act pursuant to subsection (1), it may issue to any person liable under 75-10-715(1) cease and desist, remedial, or other orders as may be necessary or appropriate to protect the public health, safety, or welfare or the environment.
(5) (a) A person who violates or fails to comply with or refuses to comply with an order issued under 75-10-707 or this section may, in an action brought to enforce the order, be assessed a civil penalty of not more than $10,000 for each day in which a violation occurs or a failure or refusal to comply continues. In determining the amount of any penalty assessed, the court may take into account:
(i) the nature, circumstances, extent, and gravity of the noncompliance;
(ii) with respect to the person liable under 75-10-715(1):
(A) the person's ability to pay;
(B) any prior history of violations;
(C) the degree of culpability; and
(D) the economic benefit or savings, if any, resulting from the noncompliance; and
(iii) any other matters as justice may require.
(b) Civil penalties collected under subsection (5)(a) must be deposited into the environmental quality protection fund established in 75-10-704.
(6) A court has jurisdiction to review an order issued under 75-10-707 or this section only in the following actions:
(a) an action under 75-10-715 to recover remedial action costs or penalties or for contribution;
(b) an action to enforce an order issued under 75-10-707 or this section;
(c) an action to recover a civil penalty for violation of or failure or refusal to comply with an order issued under 75-10-707 or this section; or
(d) an action by a person to whom an order has been issued to determine the validity of the order, only if the person has been in compliance and continues in compliance with the order

pending a decision of the court.

(7) In considering objections raised in a judicial action regarding orders issued under this part, the court shall uphold and enforce an order issued by the department unless the objecting party can demonstrate, on the administrative record, that the department's decision to issue the order was arbitrary and capricious or otherwise not in accordance with law.
(8) Instead of issuing a notification or an order under this section, the department may bring an action for legal or equitable relief in the district court of the county where the release or threatened release occurred or in the first judicial district as may be necessary to abate any imminent and substantial endangerment to the public health, safety, or welfare or to the environment resulting from the release or threatened release.
(9) A person who is not subject to an administrative or judicial order may not conduct any remedial action at any facility that is subject to an administrative or judicial order issued pursuant to this part without the written permission of the department. If a state or federal administrative or judicial order is issued relative to a facility, the order and any remedial activity conducted pursuant to the order may be admissible in a civil action pertaining to the facility or property adjacent to or allegedly impacted by the facility provided that the reviewing court in its discretion determines the order to be relevant and ~~more probative than prejudicial~~ the probative value is not substantially outweighed by the danger of unfair prejudice. Admission of this evidence does not make the department a necessary party to the action. Remedial action performed in accordance with this part is intended to provide for the protection of the environmental life support system from degradation and to prevent unreasonable depletion and degradation of natural resources.
(10) The department may take remedial action pursuant to subsection (1) at a site that is regulated under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, if the department determines that remedial action is necessary to carry out the purposes of this part.
(11) The department may take remedial action as provided for in 75-10-743(12).""
Renumber: subsequent sections

9. Page 5, line 21 through line 22.
Strike: "(1)" on line 21 through "3]." on line 22

10. Page 5, line 23.
Strike:"(2)"
Following: "[SECTION"
Strike: "4"
Insert: "1"

11. Page 5, line 24.
Following: "[SECTION"
Strike: "4"
Insert: "1"

12. Page 5, line 26 through line 27.
Strike: "RIGHTS" on line 26 through "OR" on line 27

13. Page 6, line 4 through line 5.

Strike: section 8 in its entirety

For the Senate:

Fitzpatrick, Chair
Boland
Gauthier

For the House:

Buttrey, Vice Chair
Farris-Olsen
Stromswold

MESSAGES FROM THE OTHER HOUSE

House joint resolutions passed and transmitted to the Senate for concurrence: 4/26/2021

HJ 29, introduced by N. Duram
HJ 35, introduced by J. Carlson
HJ 37, introduced by S. Gunderson
HJ 39, introduced by D. Tenenbaum
HJ 42, introduced by T. France
HJ 44, introduced by D. Lenz
HJ 45, introduced by D. Lenz
HJ 47, introduced by K. Seekins-Crowe
HJ 48, introduced by K. Sullivan
HJ 49, introduced by J. Gillette
HJ 54, introduced by R. Whiteman Pena

Senate amendments to House bills concurred in: 4/26/2021

HB 8, introduced by M. Hopkins
HB 158, introduced by C. Hinkle
HB 231, introduced by M. Regier
HB 249, introduced by M. Regier
HB 325, introduced by B. Usher
HB 357, introduced by J. Hamilton
HB 472, introduced by M. Regier
HB 593, introduced by K. Seekins-Crowe
HB 625, introduced by D. Lenz
HB 655, introduced by E. Buttrey
HB 671, introduced by D. Bedey
HB 691, introduced by D. Lenz
HB 702, introduced by J. Carlson

Senate amendments to House joint resolution concurred in: 4/26/2021

HJ 14, introduced by F. Garner

SB 51 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to

confer on House amendments to **SB 51:**

4/26/2021

Representative C. Knudsen, Vice Chair
Representative Beard
Representative Sullivan

HB 188 - The House failed to concur in Senate amendments to **HB 188,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 188:**

4/26/2021

Representative Loge, Vice Chair
Representative Fern
Representative Holmlund

Conference Committee Report No.1 adopted: 4/26/2021

HB 63, introduced by J. Dooling
HB 276, introduced by M. Caferro

Free Conference Committee Report No.1 adopted: 4/26/2021

SB 354, introduced by S. Hinebauch
HB 502, introduced by L. Sheldon-Galloway
HB 525, introduced by E. Buttrey

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 29, introduced by N. Duram, referred to Judiciary.
HJ 35, introduced by J. Carlson, referred to Public Health, Welfare and Safety.
HJ 37, introduced by S. Gunderson, referred to Natural Resources.
HJ 39, introduced by D. Tenenbaum, referred to Public Health, Welfare and Safety.
HJ 42, introduced by T. France, J. Hamilton, D. Harvey, C. Keogh, S. Gist, referred to Highways and Transportation.
HJ 44, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
HJ 45, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
HJ 47, introduced by K. Seekins-Crowe, B. Tschida, B. Mercer, A. Regier, referred to Judiciary.
HJ 48, introduced by K. Sullivan, D. Skees, B. Bennett, B. Usher, E. Kerr-Carpenter, K. Bogner, J. Kassmier, P. Flowers, J. Carlson, K. Zolnikov, referred to Judiciary.
HJ 49, introduced by J. Gillette, referred to Public Health, Welfare and Safety.
HJ 54, introduced by R. Whiteman Pena, F. Smith, J. Windy Boy, S. Stewart Peregoy, M. Dunwell, S. Webber, D. Fern, T. Running Wolf, M. Marler, E. Stafman, D. Hawk, T. France, K. Whitman, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Regier in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 159 - **House Amendments** - Senator Hertz moved House amendments to **SB 159** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 303 - **House Amendments** - Senator McGillvray moved House amendments to **SB 303** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 385 - **House Amendments** - Senator Hertz moved House amendments to **SB 385** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 399 - **House Amendments** - Senator Hertz moved House amendments to **SB 399** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 400 - **House Amendments** - Senator Manzella moved House amendments to **SB 400** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 403 - **House Amendments** - Senator Keenan moved House amendments to **SB 403** be concurred in. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 48

Nays: Ankney, Welborn.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Regier moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope,

Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 42

Nays: Bennett, Boland, Cohenour, Gross, McClafferty, Morigeau, Pomnichowski, Webber.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 663**. Without objection, so ordered. President Blasdel appointed Senator Salomon, Chair, and Senators Bogner and McClafferty.

Majority Leader Smith moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 689**. Without objection, so ordered. President Blasdel appointed Senator Kary, Chair, and Senators Bennett and Howard.

Senator Hoven moved that **HB 397** be taken from the Finance and Claims Committee and placed on third reading this date. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber.
Total 26

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Welborn, Mr. President.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Fitzpatrick moved that **HB 285** be taken from the Judiciary Committee and placed on second reading this date. Motion **failed** as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Jacobson, Kary, Lang, Manzella, Molnar, Osmundson, Regier K, Small, Smith C, Mr. President.
Total 24

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Howard, Keenan, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Tempel, Vance, Webber, Welborn.
Total 26

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee chairs announced committee and conference committee meetings.

Senator Smith moved the Senate recess until 1:00 p.m. this date. Senate recessed at 11:10 a.m.

Senate reconvened at 1:03 p.m., President Blasdel presiding.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 483**
Report No. 001, April 27, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 483** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 483** (reference copy -- salmon) be amended as follows:

1. Title, line 10.
Following: "LEGISLATURE;"
Insert: "PROVIDING FOR A SPECIAL COUNSEL THAT SERVES AT THE PLEASURE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PRESIDENT OF THE SENATE;"
Following: "PROVIDING"
Strike: "AN"

2. Title, line 10.
Strike: "DATE"
Insert: "DATES AND A TERMINATION DATE"

3. Page 1, line 26.
Following: "senate;"
Strike: "and"

4. Page 1, line 27.
Strike: "."
Insert: "; and
(e) one personal staff that serves at the pleasure of the speaker of the house of representatives and the president of the senate for the purposes provided in [section 2]."

5. Page 1.
Following: line 27
Insert: "NEW SECTION. **Section 2. Special counsel -- powers -- appointment -- reporting.**
(1) The speaker of the house of representatives and president of the senate may hire, at any time, one personal staff under 2-18-104 for the purposes of serving as a special counsel. The speaker of the house of representatives and president of the senate must consent in writing to the appointment of the special counsel.
(2) The special counsel serves at the pleasure of the speaker of the house of representatives and the president of the senate. The special counsel must be licensed to practice law in Montana. The special counsel may:
(a) be appointed to investigate and examine state governmental activities and may examine and inspect all records, books, and files of any department, agency, commission, board, or institution of the state of Montana. A governmental agency must assist the special counsel in any activity conducted by the special counsel as provided in this section.
(b) exercise the investigatory powers under chapter 5, part 1, of this title on behalf of a standing committee, select committee, or interim committee and any subcommittees of those committees;
(c) if assigned to a legislative committee, hold hearings, administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, and cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in district court;
(d) report to the speaker of the house of representatives and the president of the senate or any committee designated by the speaker of the house of representatives and the president of the senate, including but not limited to standing committees, select committees, or interim committees and any subcommittees of those committees. A special counsel that reports to a legislative committee must serve at the direction of the speaker of the house of representatives and president of the senate and not the assigned committee.
(e) make recommendations for revisions of laws or rules for consideration by the legislature.
(3) The speaker of the house of representatives and president of the senate may designate the attorney general or an employee of the attorney general to serve as the special counsel.
(4) Costs for the special counsel must be paid:
(a) by the department of justice if the special counsel is the attorney general or an employee of the attorney general as provided in subsection (3);
(b) as directed by the speaker of the house of representatives or president of the senate,

including but not limited to using funding from interim committee operating funds. "
Insert: "NEW SECTION. **Section 3. Codification instruction**. [Section 2] is intended to be codified as an integral part of Title 5, chapter 5, and the provisions of Title 5, chapter 5, apply to [section 2]."
Renumber: subsequent sections

6. Page 2, line 7.
Following: "senate;"
Strike: "and"

7. Page 2, line 8.
Following: "senate"
Insert: "; and
(e) one personal staff that serves at the pleasure of the speaker of the house or representatives and the president of the senate for the purposes provided in [section 2]"

8. Page 2, line 10.
Strike: "[This act]"
Insert: "(1) Except as provided in subsection (2), [this act]"

9. Page 2.
Following: line 10
Insert: "(2) [Sections 1(4)(e) and 2] are effective on passage and approval."

10. Page 2.
Following: line 11
Insert: "NEW SECTION. **Section 6. Termination**. [Sections 1(4)(e) and 2] terminate June 1, 2023."

For the Senate:

Vance, Chair
Bennett
C. Smith

For the House:

C. Knudsen, Vice Chair
Garner
Harvey

FREE CONFERENCE COMMITTEE
on **House Bill 506**
Report No. 001, April 27, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 506** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 506** (reference copy -- salmon) be amended as follows:

1. Title, line 5.
Following: "LAWS;"

Insert: "ESTABLISHING PRIORITIES FOR DEVELOPMENT OF CONGRESSIONAL DISTRICTS;"

2. Title, line 8.
Following: "SECTIONS"
Insert: "5-1-115,"
Following: "13-2-205"
Insert: ","
Following: "MCA;"
Strike: "AND"

3. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING EFFECTIVE DATES"

4. Page 1.
Following: line 12
Insert: "**Section 1.** Section 5-1-115, MCA, is amended to read:
"**5-1-115. Redistricting criteria.** (1) Subject to federal law, legislative and congressional districts must be established on the basis of population.
(2) In the development of legislative districts, a plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance:
(a) The districts must be as equal as practicable, meaning to the greatest extent possible, within a plus or minus 1% relative deviation from the ideal population of a district as calculated from information provided by the federal decennial census. The relative deviation may be exceeded only when necessary to keep political subdivisions intact or to comply with the Voting Rights Act.
(b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city.
(c) The districts must be contiguous, meaning that the district must be in one piece. Areas that meet only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be considered contiguous.
(d) The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act.
(3) A district may not be drawn for the purposes of favoring a political party or an incumbent legislator or member of congress. The following data or information may not be considered in the development of a plan:
(a) addresses of incumbent legislators or members of congress;
(b) political affiliations of registered voters;
(c) partisan political voter lists; or
(d) previous election results, unless required as a remedy by a court.

(4) In the development of congressional districts and under the authority granted to the legislature by Article I, section 4, of the United States constitution, a congressional districting plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance:
(a) The districts must be as equal as practicable.
(b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city.
(c) The districts must be contiguous, meaning that a district must be in one piece. Areas that meet only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be considered contiguous.
(d) The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act.""
Renumber: subsequent sections

5. Page 2.
Following: line 10
Insert: "NEW SECTION. **Section 5. {standard} Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Insert: "NEW SECTION. **Section 6. Effective dates**. (1) Except as provided in subsection (2), [this act] is effective October 1, 2021.
(2) [Sections 1 and 5] are effective on passage and approval."

For the Senate:

Hertz, Chair
Bennett
Fitzpatrick

For the House:

Fielder, Vice Chair
R. Knudsen
Running Wolf

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/27/2021

HB 4, introduced by D. Bartel
HB 6, introduced by M. Hopkins
HB 10, introduced by K. Holmlund
HB 11, introduced by W. McKamey
HB 12, introduced by M. Hopkins
HB 14, introduced by M. Hopkins

HB 522, introduced by E. Buttrey
HB 681, introduced by J. Kassmier
HB 701, introduced by M. Hopkins

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

This amended bill is being returned after the deadline for General Bills. Joint rule 40-200 requires a 2/3 vote for the bill to be considered by the receiving house.

4/27/2021

SB 297, introduced by J. Ellsworth

Conference Committee Report No.1 adopted: 4/27/2021

HB 230, introduced by M. Regier

SJ 1 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SJ 1:**

4/27/2021

Representative Skees, Vice Chair
Representative Farris-Olsen
Representative C. Knudsen

SB 402 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 402:**

4/27/2021

Representative Ler, Vice Chair
Representative Berglee
Representative Bishop

HB 640 - The House failed to concur in Senate amendments to **HB 640,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 640:**

4/27/2021

Representative Hopkins, Vice Chair
Representative Novak
Representative M. Regier

HB 637 - The House failed to concur in Senate amendments to **HB 637,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 637:**

4/27/2021

Representative Berglee, Vice Chair
Representative Loge
Representative Running Wolf

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Regier in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 303 - Senator Hoven moved **HB 303** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 41

Nays: Bennett, Boland, Cohenour, Ellis, Gross, Pomnichowski, Pope, Sands, Webber.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 340 - Senator Hertz moved **HB 340** be concurred in. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Flowers, Fox, Gross, Hertz, Jacobson, Kary, Lynch, McClafferty, McNally, Morigeau, Osmundson, Pomnichowski, Pope, Salomon, Small, Sweeney, Webber, Mr. President.
Total 27

Nays: Ankney, Ellsworth, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, McGillvray, Molnar, O'Brien, Regier K, Sales, Sands, Smith C, Tempel, Vance, Welborn.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 656 - Senator Hertz moved **HB 656** be concurred in.

HB 656 - Senator Hertz moved **HB 656**, second reading copy, be amended as follows:

1. Page 1, line 22.
Following: "annually"
Insert: "to the extent funds are appropriated by the legislature"

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 656 - As amended, **HB 656** was concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 661 - Senator Ankney moved **HB 661** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 37

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Gross, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 31 - Senator Gross moved **HJ 31** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 34 - Senator Sands moved **HJ 34** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 36 - Senator Hoven moved **HJ 36** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 40 - Senator Manzella moved **HJ 40** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 354 - **Free Conference Committee Report No. 1** - Senator Hinebauch moved the Free Conference Committee report to **SB 354** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 44

Nays: Bennett, Boldman, Jacobson, Lynch, Molnar, Morigeau.
Total 6

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 316 - **Free Conference Committee Report No. 1** - Senator Fitzpatrick moved the Free Conference Committee report to **SB 316** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Regier moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 40

Nays: Bennett, Boland, Boldman, Cohenour, Fox, Gross, McClafferty, Morigeau, Pomnichowski, Webber.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 159, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 303, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 385, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No, made by Senator Jacobson under Motions.

SB 399, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No, made by Senator Molnar under Motions.

SB 400, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 403, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 397 concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gillespie, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Webber, Welborn.
Total 26

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Smith C, Tempel, Vance, Mr. President.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved to dissolve the Conference Committee on **HB 351** and move the bill to second reading this date. Without objection, so ordered.

Majority Leader Smith moved the Senate appoint a **Free** Conference Committee on **HB 637** and request the House to appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Brown, Chair, and Senators Hinebauch and Flowers.

Majority Leader Smith moved the Senate appoint a Conference Committee on **HB 188** and request the House to appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Glimm, Chair, and Senators Morigeau and Vance.

Majority Leader Smith moved the Senate appoint a Conference Committee on **HB 640** and request the House appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Vance, Chair, and Senators Boldman and Brown.

Senator Glimm moved the Senate reconsider its third reading action on **HB 686** and that it be placed on third reading this day. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Mr. President.

Total 26

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Vance, Webber, Welborn.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee chairs announced committee meetings.

Majority Leader Smith moved the Senate recess until 4:00 p.m. this date. Senate recessed at 2:14 p.m.

Senate reconvened at 4:08 p.m., President Blasdel presiding.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 316 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 354 passed as follows:

Yeas: Ankney, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 37

Nays: Bennett, Boldman, Fox, Gross, Jacobson, Lynch, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Sweeney, Webber.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 303 concurred in as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 39

Nays: Bennett, Boland, Cohenour, Ellis, Gross, McClafferty, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 11

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes, made by Senator Boldman under Motions.

HB 340 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Flowers, Fox, Gauthier, Gross, Hertz, Jacobson, Kary, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Salomon, Small, Sweeney, Webber, Welborn, Mr. President.
Total 31

Nays: Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hinebauch, Hoven, Howard, Keenan, Manzella, McGillvray, Molnar, Regier K, Sales, Sands, Smith C, Tempel, Vance.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No, made by Senator Fitzpatrick under Motions.

HB 656 failed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Smith C, Vance, Mr. President.
Total 25

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Ellsworth, Flowers, Fox, Gross, Jacobson, Lang, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 661 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 37

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Gross, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 686 failed as follows:

Yeas: Bogner, Brown, Cuffe, Esp, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Smith C, Mr. President.
Total 21

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn.
Total 29

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 31 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 34 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 36 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 40 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar,

Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 648**
Report No. 001, April 27, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 648** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 648** (reference copy -- salmon) be amended as follows:

1. Title, line 5.
Following: "PROGRAMS;"
Insert: "PROVIDING FOR A STUDY OF ECONOMIC IMPACTS OF COST DISALLOWANCES; EXEMPTING CERTAIN CHANGES FROM THE MAJOR FACILITY SITING ACT;"

2. Title, line 6.
Following: "APPROPRIATION;"
Insert: "AMENDING SECTIONS 75-20-213 AND 75-20-219, MCA;"
Following: "DATE"
Insert: ", A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE"

3. Page 3.
Following: line 13
Insert: "NEW SECTION. **Section 4. Study of economic impacts of cost disallowances.** (1) The Montana bureau of business and economic research at the university of Montana shall study the economic impact of disallowances for replacement power costs made by the public service commission with respect to any coal-fired electric generation facilities located in the state.
(2) The study shall:

(a) determine the economic impact of the disallowances for replacement power costs on consumers;
(b) examine both the short- and long-term impacts on customers including any potential impacts that may occur in the future as a result of decision made by the public service commission;
(c) analyze whether the cost disallowances have resulted in any changes to a bond rating of any public utilities and whether those changes have resulted in any impacts to consumers; and
(d) evaluate if cost disallowances have occurred in other jurisdictions and whether there have been any measurable impacts on consumers.
(3) The bureau of business and economic research shall complete the study by December 31, 2022.
(4) The public service commission may not limit the scope of the study and shall cooperate and provide any information and materials necessary to complete the study.
(5) Upon completion of the study, the bureau of business and economic research:
(a) shall present the study to the public service commission;
(b) may present the study to the energy and telecommunications interim committee, if scheduling permits; and
(c) upon request, may present the study to the house energy, technology, and federal relations committee and the senate energy and telecommunications committee during the 68th legislative session.
(6) If the bureau of business and economic research is unable to present the study to the energy and telecommunications interim committee, the bureau shall mail a copy to each member of the committee."

Insert: "NEW SECTION. **Section 5. Electric generating facility fuel source change -- notice requirements.** (1) (a) An amendment to a certificate is not required for an electric generating facility designed to generate 250 megawatts of electricity or more if a change is made at the facility to alter fuel sources necessary to maintain operations at the facility, if the certificate holder obtains necessary air and water quality permits under chapter 2 and chapter 5 of this title.
(b) Changes covered by subsection (1)(a) may include both the use of a new fuel source as well as any construction or modification made to the facility for the purpose of allowing the facility to accept and utilize a new fuel source. This includes but is not limited to the construction of unloading facilities, storage facilities, and conveyance systems, including conveyors, roads, and rail spurs.
(c) The department shall waive compliance with this chapter as it relates to a change made in accordance with subsection (1)(a).
(2) (a) A certificate holder making a change in a facility in accordance with subsection (1) shall file notice of the change with the department at least 60 days prior to making the change.
(b) The department may provide notice to all active parties to the original certification proceeding, but a hearing is not required.
(3) (a) A change under subsection (1) is neither a material increase in the environmental impact of the facility nor a change or addition considered to affect compliance with a condition of the certificate.
(b) A change made in accordance with this section and notice of a change required in this section may not be used as the basis of an appeal of a final decision on a certificate by the department."

Insert: "**Section 6.** Section 75-20-213, MCA, is amended to read:

"**75-20-213. Supplemental material -- amendments.** (1) ~~An~~ Except as provided in [section 5], an application for an amendment of an application or a certificate must be in the form and contain the information that the department by rule or by order prescribes. Notice of an application must be given as set forth in 75-20-211(3) and (4).

(2) An application may be amended by an applicant any time prior to the department's recommendation. If the proposed amendment is such that it prevents the department or the agencies listed in 75-20-216(6) from carrying out their duties and responsibilities under this chapter, the department may require additional filing fees and additional amendment application review time. The total review time may not exceed 9 months from the date the department accepts a completed application for amendment.

(3) The applicant shall submit supplemental material in a timely manner as requested by the department or as offered by the applicant to explain, support, or provide the detail with respect to an item described in the original application, without filing an application for an amendment. The department's determination as to whether information is supplemental or whether an application for amendment is required is conclusive." "

Insert: "**Section 7.** Section 75-20-219, MCA, is amended to read:

"**75-20-219. Amendments to certificate.** (1) (a) ~~Within~~ Except as provided in [section 5], within 30 days after notice of an amendment to a certificate is given as set forth in 75-20-213(1), including notice to all active parties to the original proceeding, the department shall determine whether the proposed change in the facility would result in a material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of the facility as set forth in the certificate.

(b) ~~If~~ Except as provided in [section 5], if the department determines that the proposed change would result in a material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of the facility, the department shall grant, deny, or modify the amendment with conditions as it considers appropriate.

(c) ~~If~~ Except as provided in [section 5], if the department determines that a modification of the proposed amendment to the certificate is needed, it shall consult with the applicant.

(2) ~~In~~ Except as provided in [section 5], if those cases in which the department determines that the proposed change in the facility would not result in a material increase in any environmental impact or would not be a substantial change in the location of all or a portion of the facility, the department shall automatically grant the amendment either as applied for or upon terms or conditions that the department considers appropriate.

(3) ~~If~~ Except as provided in [section 5], if a hearing is requested under 75-20-223(2), the party requesting the hearing has the burden of showing by clear and convincing evidence that the department's determination is not reasonable.

(4) ~~If~~ Except as provided in [section 5], if an amendment is required to a certificate that would affect, amend, alter, or modify a decision, opinion, order, certification, or air or water quality permit issued by the department ~~or board~~, the amendment must be processed under the applicable statutes administered by the department ~~or board~~.""

Renumber: subsequent sections

4. Page 3, line 16.
Strike: "$20,000"
Insert: "$125,000"

5. Page 3.

Following: line 23
Insert: "(3) [Section 4] is intended to be codified as an integral part of Title 75, and the provisions of Title 75 apply to [section 4].
(4) [Section 5] is intended to be codified as an integral part of Title 75, chapter 20, part 2, and the provisions of Title 75, chapter 20, part 2, apply to [section 5]."

6. Page 3.
Following: line 26
Insert: "NEW SECTION. **Section 11. {standard} Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Insert: "COORDINATION SECTION. **Section 12. Coordination instruction.** If both House Bill No. 5 and [this act] are passed and approved, and at least $2 million is appropriated in House Bill No. 5 to the department of environmental quality for the purpose of leaking petroleum tank remediation to address risks to human health or the environment at petroleum sites where there is no readily apparent potentially liable person or entity that is financially viable, then $125,000 of that appropriation is transferred to the bureau of mines and geology for the purposes of [section 1]."
Insert: "NEW SECTION. **Section 13. Retroactive applicability**. [This act] applies retroactively, within the meaning of 1-2-109, to certificates issued on or after January 1, 1976."
Insert: "NEW SECTION. **Section 14. Termination**. [Section 4] terminates April 30, 2023."

For the Senate:	For the House:
Ankney, Chair	Kassmier, Vice Chair
Lynch	Fitzgerald
Welborn	Keane

MESSAGES FROM THE OTHER HOUSE

HB 640 - The House dissolved the Conference Committee on Senate amendments to **HB 640**, and authorized the Speaker to appoint the following **Free** Conference Committee to confer on **HB 640:**

4/27/2021

Representative Hopkins, Vice Chair
Representative Novak
Representative M. Regier

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Regier in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 51 - **House Amendments** - Senator Ellsworth moved House amendments to **SB 51** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: Welborn.
Total 1

SB 297 - **House Amendments** - Senator Ellsworth moved House amendments to **SB 297** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Fox, Gross, Lynch, Sands.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 388 - **House Amendments** - Senator Hertz moved House amendments to **SB 388** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 483 - **Free Conference Committee Report No. 1** - Senator Vance moved the Free Conference Committee report to **HB 483** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 506 - **Free Conference Committee Report No. 1** - Senator Fitzpatrick moved the Free Conference Committee report to **HB 506** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Regier moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved the Senate appoint a Free Conference Committee on **SB 388** and request the House to appoint a like committee. Without objection, so ordered. President Blasdel appointed Senator Hertz, Chair, and Senators Kary and Pope.

Majority Leader Smith moved the Senate dissolve the Conference Committee on **HB 640** and appoint a Free Conference Committee on **HB 640**. Without objection, so ordered. President Blasdel appointed Senator Vance, Chair, and Senators Boldman and Brown.

Majority Leader Smith moved that **SB 51**, **SB 297**, **HB 483**, and **HB 506** be moved to third reading this day. Without objection, so ordered.

Senator Fitzpatrick moved to change his third reading vote on **HB 340** from Yes to No. Without objection, so ordered.

Senator Boldman moved to change her third reading vote on **HB 303** from No to Yes. Without objection, so ordered.

Senator Jacobson moved to change his third reading vote on **SB 385** from Yes to No. Without objection, so ordered.

Senator Molnar moved to change his third reading vote on **SB 399** from Yes to No. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 51, **as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 297, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven,

Howard, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Gross, Lynch.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 483 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 506 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 555**
Report No. 001, April 27, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 555** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 555** (reference copy -- salmon) be amended as follows:

1. Page 1, line 13.
Strike: "$6,000"
Insert: "$7,000"

2. Page 1, line 14.
Strike: "$1,000"
Insert: "$1,250"

3. Page 1, line 17.
Strike: "$3,500"
Insert: "$4,000"

4. Page 1, line 18.
Strike: "$4,000"
Insert: "$4,500"

For the Senate:

Fitzpatrick, Chair
Friedel
Webber

For the House:

M. Regier, Vice Chair
Farris-Olsen
Mercer

FREE CONFERENCE COMMITTEE
on **House Bill 678**
Report No. 001, April 27, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 678** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 678** (reference copy -- salmon) be amended as follows:

1. Title, line 8.
Following: "DONATIONS;"
Insert: "EXPANDING USE OF ECONOMIC DEVELOPMENT SPECIAL REVENUE ACCOUNT;"

2. Title, line 9.
Following: "15-65-112,"
Insert: "17-7-502, 22-3-1004,"
Following: "87-1-601,"
Strike: "AND"
Following: "87-2-202,"
Insert: "AND 90-1-205,"

3. Page 4, line 8.
Following: "employees"
Insert: "who are"
Following: "development"
Insert: "outside the state and whose work duties require the employees to reside out of state"

4. Page 9, line 11.
Following: "2.7%"
Insert: "or $1 million, whichever is less,"
Following: "to"
Insert: "the"

5. Page 10.
Following: line 3
Insert: "**Section 5.** Section 17-7-502, MCA, is amended to read:
"**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.
(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:
(a) The law containing the statutory authority must be listed in subsection (3).
(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; ~~22-3-1004;~~ 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-151; 76-13-150; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch, 50, L. 2019, the inclusion of 37-50-209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; and pursuant to sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023.)" "

Insert: "**Section 6.** Section 22-3-1004, MCA, is amended to read:

"**22-3-1004. Montana heritage preservation and development account.** (1) (a) There is a Montana heritage preservation and development account in the state special revenue fund and in the federal special revenue fund.

(b) The Montana heritage preservation and development commission shall deposit any federal money that the commission obtains into the appropriate account provided for in this section.

(2) Money deposited in the accounts must be used for:

(a) restoration, maintenance, and operation of historic properties in Virginia City and Nevada City; and

(b) restoring and maintaining historically significant properties in Montana that are in need of preservation.

~~(3) The accounts are statutorily appropriated, as provided in 17-7-502, to the commission to be used as provided in this section.~~

~~(4)~~(3) Unless otherwise prohibited by law or agreement, all interest earned on money in the accounts must be deposited in the state special revenue fund to the credit of the commission.""

Renumber: subsequent sections

6. Page 13.

Following: line 13

Insert: "**Section 9.** Section 90-1-205, MCA, is amended to read:

"**90-1-205. Economic development special revenue account.** (1) There is an economic development state special revenue account. The account receives earnings from the big sky economic development fund as provided in 17-5-703. The money in the account may be used only as provided in this part.

(2) The money in the account is statutorily appropriated, as provided in 17-7-502, to the department. Of the money that is deposited in the account that is not used for administrative expenses or for other economic development purposes:

(a) 75% must be allocated for distribution to local governments and tribal governments to be used for job creation efforts; and

(b) 25% must be allocated for distribution to certified regional development corporations, economic development organizations that are located in a county that is not part of a certified regional development corporation, and tribal governments.""

Renumber: subsequent sections

7. Page 13, line 22 through line 23.

Following: "IN" on line 22

Strike: "SUBSECTION" on line 22 through "(2)" on line 23

Insert: "subsections (2) and (3)"

8. Page 13, line 23.

Following: "~~July 1, 2021~~"

Insert: "July 1, 2021.

(2) [Sections 2, 7, 8, and 10] are effective"

8. Page 13, line 24.

Strike: "(2)"

Insert: "(3)"

9. Page 14, line 1.
Strike: "[SECTION 4] TERMINATES"
Insert: "[Sections 4 through 6] terminate"

For the Senate:

Osmundson, Chair
Kary
Lynch

For the House:

Bartel, Vice Chair
Ricci
Stewart Peregoy

ANNOUNCEMENTS

Committee chairs announced committee and conference committee meetings.

Majority Leader Smith moved the Senate adjourn until 10:00 a.m., Wednesday, April 28, 2021, the seventy-ninth legislative day. Motion carried.

Senate adjourned at 4:42 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
SEVENTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 28, 2021 — State Capitol

Senate convened at 10:00 a.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Gauthier excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/28/2021

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixty-ninth through seventy-third legislative days, find the same to be correct.

Correctly printed: **HB 435**, **HJ 27**, **HJ 29**, **HJ 35**, **HJ 37**, **HJ 39**, **HJ 44**, **HJ 45**, **HJ 47**, **HJ 48**, **HJ 49**.
Examined by the sponsor and found to be correct: **SB 363**, **SR 96**.
Transmitted to the House: **HB 555**, **HB 648**, **HB 678**.
Signed by the Secretary of the Senate at 3:40 p.m., April 27, 2021: **SB 213**, **SB 219**, **SB 237**, **SB 287**, **SB 308**, **SB 344**, **SB 367**, **SB 370**, **SJ 3**, **SJ 13**.
Signed by the President at 9:45 a.m., April 28, 2021: **SB 213**, **SB 219**, **SB 237**, **SB 287**, **SB 308**, **SB 344**, **SB 367**, **SB 370**, **SJ 3**, **SJ 13**.
Signed by the Speaker at 11:30 a.m., April 28, 2021: **SB 213**, **SB 219**, **SB 237**, **SB 287**, **SB 308**, **SB 344**, **SB 367**, **SB 370**, **SJ 3**, **SJ 13**.
Delivered to the Secretary of State at 4:04 p.m., April 28, 2021: **SJ 3**, **SJ 13**.
Delivered to the Governor for signature at 12:02 p.m., April 28, 2021: **SB 213**, **SB 219**, **SB 237**, **SB 287**, **SB 308**, **SB 344**, **SB 367**, **SB 370**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 4/28/2021
HJ 29, be concurred in.
HJ 47, be concurred in.
HJ 48, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/28/2021
HJ 35, be concurred in.
HJ 39, be concurred in.
HJ 44, be concurred in.
HJ 45, be concurred in.
HJ 49, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 278**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 278** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 278** (reference copy -- salmon) be amended as follows:

1. Title, line 10.
Following: "CORPORATIONS"
Insert: "CHALLENGING OR SUPPORTING CERTAIN GOVERNMENTAL ACTIONS;"

2. Title, line 12.
Following: "OFFICIALS;"
Insert: "PROVIDING THAT COSTS MAY NOT BE ALLOWED TO AN OFFEREE IF THE OFFEROR HAS MADE AN OFFER OR JUDGMENT AND THE OFFEREE'S JUDGMENT IS NOT MORE FAVORABLE THAN THE OFFER OF JUDGMENT; REVISING THE DEFINITION OF "INSURER" FOR THE PURPOSES OF UNFAIR TRADE PRACTICES ACTIONS; REVISING CIVIL LIABILITY LAWS TO PROVIDE A DEADLINE FOR SERVICE OF PROCESS;"

3. Title, line 12.
Following: "15-31-102,"
Insert: "25-10-101,"
Following: "27-2-208,"
Strike: "AND"
Following: "27-2-209,"
Insert: "AND 33-18-242,"

4. Page 2, line 20.
Strike: "501(c)(4)"
Insert: "501(c)(3)"

5. Page 2, line 21.
Following: "501(c)(3)"
Insert: "or 527"

6. Page 2, line 26.

Following: "APPLY"
Insert: ":
(a)"

7. Page 2, line 28.
Strike: "(A)"
Insert: "(i)"
Renumber: subsequent subsections

8. Page 3, line 3.
Following: "CORPORATION"
Insert: "; or
(b) to a health care facility licensed under 50-5-101 or other nonprofit corporations providing or advocating for critical health care delivery systems"

9. Page 3, line 5.
Following: "ANY"
Insert: ":
(i) federal"

10. Page 3, line 6.
Following: "FEDERAL"
Strike: ", STATE, AND LOCAL LAWS, ORDINANCES,"

11. Page 3, line 7.
Following: "FEDERAL"
Strike: ", STATE, OR LOCAL"

12. Page 3, line 8.
Following: "CAPACITY"
Insert: "; or
(ii) state law codified in Title 75, 76, 77, 80, 81, 82, or 87, including but not limited to state rules, regulation, and policies, whether statutory or otherwise, or other action by a state government body or official acting in their official capacity"

13. Page 3.
Following: line 18
Insert: "NEW SECTION. **Section 5. Services of process time limit.** Except as provided in 25-3-106, a plaintiff shall make service of process no later than 1 year after filing the complaint. If the plaintiff fails to do so, the court, on motion or on its own initiative, shall dismiss the action without prejudice unless the defendant has made an appearance."
Renumber: subsequent sections

14. Page 5.
Following: line 15

Insert: "**Section 7.** Section 25-10-101, MCA, is amended to read:

"**25-10-101. When costs allowed, of course, to plaintiff.** (1) ~~Costs~~ Except as provided in subsection (2), costs are allowed, of course, to the plaintiff upon a judgment in the plaintiff's favor in the following cases:

~~(1)~~(a) in an action for the recovery of real property or damages to real property;

~~(2)~~(b) in an action to recover the possession of personal property when the value of the property exceeds $50, with the value determined by the jury, court, or referee by whom the action is tried;

~~(3)~~(c) in an action for the recovery of money or damages, exclusive of interest, when plaintiff recovers over $50;

~~(4)~~(d) in a special proceeding;

~~(5)~~(e) in an action that involves the title or possession or right of possession of real estate;

~~(6)~~(f) in an action that involves the legality of any tax, impost, assessment, toll, or municipal fine;

~~(7)~~(g) in quo warranto proceedings;

~~(8)~~(h) in an action to foreclose a lien or pledge, to prevent or abate a nuisance, or for an injunction; or

~~(9)~~(i) in an action for property damage arising out of the ownership, maintenance, or use of a motor vehicle if the plaintiff is entitled to attorney fees under 25-10-303.

(2) Costs are not allowed if the offeror has made an offer or judgment as provided in Rule 68 of the Montana Rules of Civil Procedure and the offeree has not recovered a judgment more favorable than the offeror's offer.""

Renumber: subsequent sections

15. Page 6.

Following: line 24

Insert: "**Section 10.** Section 33-18-242, MCA, is amended to read:

"**33-18-242. Independent cause of action -- burden of proof.** (1) An insured or a third-party claimant has an independent cause of action against an insurer for actual damages caused by the insurer's violation of subsection (1), (4), (5), (6), (9), or (13) of 33-18-201.

(2) In an action under this section, a plaintiff is not required to prove that the violations were of such frequency as to indicate a general business practice.

(3) An insured who has suffered damages as a result of the handling of an insurance claim may bring an action against the insurer for breach of the insurance contract, for fraud, or pursuant to this section, but not under any other theory or cause of action. An insured may not bring an action for bad faith in connection with the handling of an insurance claim.

(4) In an action under this section, the court or jury may award such damages as were proximately caused by the violation of subsection (1), (4), (5), (6), (9), or (13) of 33-18-201. Exemplary damages may also be assessed in accordance with 27-1-221.

(5) An insurer may not be held liable under this section if the insurer had a reasonable basis in law or in fact for contesting the claim or the amount of the claim, whichever is in issue.

(6) (a) An insured may file an action under this section, together with any other cause of action the insured has against the insurer. Actions may be bifurcated for trial where justice so requires.

(b) A third-party claimant may not file an action under this section until after the underlying claim has been settled or a judgment entered in favor of the claimant on the underlying claim.
(7) The period prescribed for commencement of an action under this section is:
(a) for an insured, within 2 years from the date of the violation of 33-18-201; and
(b) for a third-party claimant, within 1 year from the date of the settlement of or the entry of judgment on the underlying claim.
(8) As used in this section, ~~an~~ "insurer" ~~includes~~ does not include a person, firm, or corporation utilizing self-insurance or a captive insurance company to pay claims made against them.""
Renumber: subsequent sections

16. Page 7.
Following: line 4
Insert: "(5) [Section 5] is intended to be codified as an integral part of Title 25, chapter 3, part 1, and the provisions of Title 25, chapter 3, part 1, apply to [section 5]."

17. Page 7.
Following: line 10
Insert: "NEW SECTION. **Section 13.** {standard} **Saving clause**. [Section 7] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."
Renumber: subsequent sections

For the Senate:

Hertz, Chair
Boland
Fitzpatrick

For the House:

Buttrey, Vice Chair
Berglee
Farris-Olsen

FREE CONFERENCE COMMITTEE
on **Senate Bill 319**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 319** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 319** (reference copy -- salmon) be amended as follows:

1. Title, line 5.
Following: "REPORTING;"
Insert: "ESTABLISHING THAT IF STUDENT ORGANIZATIONS THAT ARE REQUIRED TO REGISTER AS POLITICAL COMMITTEES ARE FUNDED THROUGH ADDITIONAL OPTIONAL STUDENT FEES, THOSE FEES MUST BE OPT-IN; PROHIBITING CERTAIN

POLITICAL ACTIVITIES IN CERTAIN PLACES OPERATED BY A PUBLIC POSTSECONDARY INSTITUTION; PROVIDING FOR JUDICIAL RECUSALS UNDER CERTAIN CIRCUMSTANCES; PROVIDING PENALTIES;"

2. Page 5.
Following: line 8
Insert: "NEW SECTION. **Section 2. Student organizations functioning as political committees -- funding.** (1) A student organization that is required to register as a political committee and is regularly active may be funded in the same manner as other student organizations, except that if the organization is funded by an additional optional student fee, the fee must be an opt-in fee.

(2) The opt-in fee may only be delivered to the student organization by means of a written instrument signed by the student or through an electronic payment system that operates independently of any systems, electronic or otherwise, used by a public postsecondary institution for the purpose of collecting, receiving, or disbursing any tuition or fees.

(3) As used in this section, the following definitions apply:

(a) "Benefit" means any type of advantage, including but not limited to:

(i) recognition;

(ii) registration;

(iii) the use of facilities of the public postsecondary institution for meetings or speaking purposes;

(iv) the use of channels of communication; and

(v) funding sources that are otherwise available to other student organizations at the public postsecondary institution.

(b) "Political committee" has the meaning provided in 13-1-101.

(c) "Public postsecondary institution" means:

(i) a unit of the Montana university system as described in 20-25-201; or

(ii) a Montana community college defined and organized as provided in 20-15-101.

(d) "Regularly active" means having expended more than $10,000 in each of two or more statewide elections in the preceding 10 years.

(e) "Student organization" means an officially recognized group or a group seeking official recognition at a public postsecondary institution that is comprised of students who receive or are seeking to receive a benefit through the public postsecondary institution."
Renumber: subsequent sections

3. Page 27.
Following: line 20
Insert: "NEW SECTION. **Section 21. Political activity in public postsecondary institution residence hall, dining facility, or athletic facility -- prohibition -- exceptions -- penalty.** (1) A political committee may not direct, coordinate, manage, or conduct any voter identification efforts, voter registration drives, signature collection efforts, ballot collection efforts, or voter turnout efforts for a federal, state, local, or school election inside a residence hall, dining facility, or athletic facility operated by a public postsecondary institution.

(2) Nothing in this section may be construed as prohibiting any communications made through mail, telephone, text messages, or electronic mail inside a residence hall, dining facility,

or athletic facility or any political advertising made through radio, television, satellite, or internet service. Nothing in this section may be construed as prohibiting an individual from undertaking or participating in any activity for a federal, state, local, or school election if the activity is undertaken at the individual's exclusive initiative.

(3) A person who resides in a residence hall operated by a public postsecondary institution or who regularly uses a dining hall operated by public postsecondary institution, a candidate for office in a federal, state, local, or school election, or a political committee engaged in a federal, state, local, or school election may institute an action in any court of competent jurisdiction to prevent, restrain, or enjoin a violation of this section.

(4) A political committee that violates this section is subject to a civil penalty of $1,000 for each violation. Each day of a continuing violation constitutes a separate offense.

(5) For the purposes of this section, "public postsecondary institution" means:

(a) a unit of the Montana university system as described in 20-25-201; or

(b) a Montana community college defined and organized as provided in 20-15-101."

Insert: "NEW SECTION. **Section 22. Judicial conflict of interest -- recusal -- definition.** (1) A judicial officer shall disqualify the judicial officer in a proceeding if:

(a) the judicial officer has received one or more combined contributions totaling at least one-half of the maximum amount allowable amount under 13-37-216 from a lawyer or party to the proceeding in an election within the previous 6 years; or

(b) a lawyer or party to the proceeding has made one or more contributions directly or indirectly to a political committee or other entity that engaged in independent expenditures that supported the judicial officer or opposed the judicial officer's opponent in an election within the previous 6 years if the total combined amount of the contributions exceed at least one-half of the maximum amount that would otherwise be allowed under 13-37-216 if the contributions had been made directly to the judicial candidate.

(2) For the purposes of this section:

(a) "contribution" has the meaning provided in 13-1-101; and

(b) "judicial officer" has the meaning provided in 1-1-202."

Renumber: subsequent sections

4. Page 27, line 21.
Following: "instruction."
Insert: "(1)"

5. Page 27.
Following: line 22
Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 20, chapter 25, part 4, and the provisions of Title 20, chapter 25, part 4, apply to [section 2].
(3) [Section 21] is intended to be codified as an integral part of Title 13, chapter 35, part 2, and the provisions of Title 13, chapter 35, part 2, apply to [section 21].
(4) [Section 22] is intended to be codified as an integral part of Title 3, chapter 1, and the provisions of Title 3, chapter 1, apply to [section 22]."

6. Page 30.
Following: line 22

Insert: "NEW SECTION. **Section 25.** {standard} **Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Insert: "COORDINATION SECTION. **Section 26. Coordination instruction**. If both Senate Bill No. 224 and [this act] are passed and approved and if Senate Bill No. 224 contains a section repealing 13-37-218, then:

(1) the section amending 13-37-218 in [this act] is void;
(2) [section 1(11)] must be deleted; and
(3) each reference to 13-37-218 in [section 1] must be deleted."

Renumber: subsequent section

For the Senate:	For the House:
Hertz, Chair	C. Knudsen, Vice Chair
Bennett	Binkley
Fitzpatrick	Kortum

FREE CONFERENCE COMMITTEE
on **Senate Joint Resolution 1**
Report No. 001, April 27, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Joint Resolution 1** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Joint Resolution 1** (reference copy -- salmon) be amended as follows:

1. Page 2, line 10 through line 11.
Strike: "adjournment" on line 10 through "scheduled" on line 11
Insert: "a new Legislature is elected and takes office"

2. Page 2, line 22.
Following: "~~1-30~~"
Insert: "as provided in Joint Rule 1-30"

3. Page 4.
Following: line 15
Insert: "**1-30. Legislator participation during session -- exclusion of members from physical participation by COVID-19 Response Panel.** In order to promote and protect the health and safety of individuals and legislative members involved in the legislative process and to minimize public health dangers resulting from the current COVID-19 public health

emergency, the Legislative Leadership COVID-19 Response Panel shall determine when to limit or exclude other members from physical participation in the legislative session, and the level of physical participation of members in all committee meetings and floor sessions. The approach must be balanced by treating all members who have the same factual circumstances and potential exposure to COVID-19 in the same manner. The approach may provide for an excluded member to participate remotely as provided in Joint Rule 1-40."

4. Page 4, line 20.
Following: "~~1-30~~"
Insert: "pursuant to Joint Rule 1-30"

5. Page 18.
Following: line 15
Insert: "(5) (a) There is a Special Select Committee on Judicial Accountability and Transparency.
(b) Senate committee members must be appointed by the President of the Senate.
(c) House committee members must be appointed by the Speaker of the House.
(d) The composition of the committee must be as follows:
(i) three members of the House, two from the majority party and one from the minority party; and
(ii) three members of the Senate, two from the majority party and one from the minority party.
(e) The committee shall elect its presiding officer and vice presiding officer from among its members.
(f) All meetings of the committee are open to the public to the same extent as other legislative committee meetings.
(g) The committee may:
(i) exercise committee investigatory powers under Title 5, chapter 5, part 1, MCA;
(ii) investigate and examine state governmental activities and may examine and inspect all records, books, and files of any department, agency, commission, board, or institution of the state of Montana; and
(iii) contract for special counsel services, subject to the Legislature appropriating funds for this purpose.
(h) The committee may meet and conduct business from the start of the legislative session until a new Legislature is elected and takes office."

6. Page 34, line 18.
Strike: "(2010)"
Insert: "(2020)"

For the Senate:

C. Smith, Chair
Bennett
Fitzpatrick

For the House:

Skees, Vice Chair
Farris-Olsen
C. Knudsen

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 188**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 188** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 188** (reference copy -- salmon) be amended as follows:

1. Page 24, line 15.
Strike: "$250"
Insert: "$195"

2. Page 24, line 19.
Strike: "$400"
Insert: "$375"

3. Page 24, line 21.
Strike: "$1,500"
Insert: "$1,300"

For the Senate:	For the House:
Glimm, Chair	Loge, Vice Chair
Morigeau	Fern
Vance	Holmlund

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/27/2021

HB 191, introduced by M. Hopkins
HB 279, introduced by S. Berglee
HB 330, introduced by L. Jones
HB 530, introduced by W. McKamey
HB 629, introduced by D. Fern
HB 651, introduced by M. Bertoglio
HB 660, introduced by J. Kassmier
HB 705, introduced by E. Buttrey

Senate joint resolutions concurred in and returned to the Senate: 4/27/2021

SJ 28, introduced by M. Blasdel

SJ 31, introduced by E. Boldman
SJ 35, introduced by C. Friedel

Free Conference Committee Report No.1 adopted: 4/27/2021

SB 316, introduced by S. Fitzpatrick
HB 483, introduced by C. Knudsen
HB 506, introduced by P. Fielder

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Glimm in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 555 - **Free Conference Committee Report No. 1** - Senator Fitzpatrick moved the Free Conference Committee report to **HB 555** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: Gauthier.
Total 1

Absent or not voting: None.
Total 0

HB 648 - **Free Conference Committee Report No. 1** - Senator Welborn moved the Free Conference Committee report to **HB 648** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Lang, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Keenan, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 22

Voted absentee: None.

Excused: Gauthier.
Total 1

Absent or not voting: None.
Total 0

HB 678 - **Free Conference Committee Report No. 1** - Senator Welborn moved the Free Conference Committee report to **HB 678** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gillespie, Glimm, Gross, Hertz, Hinebauch, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Hoven, Keenan, Molnar.
Total 3

Voted absentee: None.

Excused: Gauthier.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Glimm moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Flowers, Gross, McClafferty, McNally, Molnar, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 15

Voted absentee: None.

Excused: Gauthier.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate recess until 1:00 p.m. this day. Senate recessed at 10:33 a.m.

Senate reconvened at 1:03 p.m., President Blasdel presiding.

MESSAGES FROM THE OTHER HOUSE

SB 388 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 388:**

4/28/2021

Representative Welch, Vice Chair
Representative Harvey
Representative Kassmier

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 637**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 637** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 637** (reference copy -- salmon) be amended as follows:

1. Title, line 5.
Following: "AUTHORITY;"
Insert: "REVISING LAWS RELATED TO BLOCK MANAGEMENT PROGRAM PAYMENTS; REVISING LAWS RELATED TO PUBLIC ACCESS LAND AGREEMENTS;"

2. Title, line 6.
Following: "LICENSES;"
Insert: "REVISING LAWS RELATED TO ELK LICENSES AND PERMITS FOR LANDOWNERS OFFERING PUBLIC HUNTING;"
Following: "REVISING"
Strike: "THE CALCULATION OF"

3. Title, line 7.
Following: "POINTS"
Insert: "LAWS;"
Strike: "FOR PARTY APPLICANTS;"

4. Title, line 13.
Following: "OFFENSES;"
Insert: "REVISING LAWS RELATED TO THE TRANSFER OF OWNERSHIP INTERESTS IN COMMERCIAL LICENSES HELD BY INCORPORATED ENTITIES; AUTHORIZING ONE-TIME ISSUANCE OF CLASS B-10 AND CLASS B-11 LICENSES TO CERTAIN NONRESIDENTS; ALLOCATING REVENUE; PROVIDING RULEMAKING AUTHORITY;"

5. Title, line 14.
Following: "APPROPRIATIONS;"
Insert: "MAKING REISSUANCE OF CERTAIN SPECIAL MOOSE LICENSES FOR ANIMALS FOUND UNFIT FOR HUMAN CONSUMPTION RETROACTIVELY APPLICABLE;"
Following: "87-1-265,"
Insert: "87-1-295,"
Following: "87-2-115,"
Insert: "87-2-513,"

6. Title, line 16.
Following: "SECTIONS"
Insert: "87-1-296, 87-1-297,"
Following: "87-1-505"
Insert: ","

7. Page 4, line 13.
Following: "(8)"
Insert: "(a)"
Following: "87-1-264"
Insert: "and subsection (8)(b) of this section"

8. Page 4, line 14.
Strike: "$17,500"
Insert: "$25,000"

9. Page 4.
Following: line 14
Insert: "(b) Each landowner who participates in a unified cooperative agreement pursuant to subsection (3) may be eligible for payments not to exceed $25,000 per year."

10. Page 4.
Following: line 17
Insert: "**Section 3.** Section 87-1-295, MCA, is amended to read:
"**87-1-295. Public access land agreement -- terms -- application fee.** (1) A public access land agreement may be granted only to a landowner who is providing access across the landowner's land to public land that is leased by the landowner or to public land for which there is no leaseholder. An agreement may not include land for which the landowner is also compensated pursuant to 76-17-102 or 87-1-294.
(2) The department shall negotiate the terms of a proposed public access land agreement with the landowner. Negotiable terms include:
(a) the amount of compensation, not to exceed $15,000 annually, and the duration of the agreement;
(b) improvements to the land provided by the department that may facilitate public access;
(c) the location of the access and the transportation mode by which the public may use the access;
(d) time periods when the access may and may not be used; and
(e) penalties for trespassing on private land not covered by the agreement.
(3) The private land/public wildlife advisory committee appointed pursuant to 87-1-269 shall review proposed public access land agreements and make recommendations to the department. The department shall consider the recommendations when issuing agreements.
(4) The department may revoke a public access land agreement for a violation of the terms of the agreement.

(5) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies to a landowner who holds a public access land agreement.
(6) (a) A landowner who proposes a public access land agreement to the department shall pay a $5 application fee.
(b) All application fees must be deposited in the department's general license account and used for the purpose of establishing public access land agreements. At the end of each fiscal year, application revenue that remains unobligated is available to the department for any purpose pursuant to 87-1-201(3).
(7) The department may adopt rules to implement the provisions of this section.""
Renumber: subsequent sections

11. Page 7, line 22.
Strike: "$50"
Insert: "$100"

12. Page 7, line 26.
Following: "year"
Insert: "except a nonresident hunting with an outfitter licensed pursuant to Title 37, chapter 47, part 3, and providing the documentation required in subsection (8), may purchase two preference points per license year. No applicant may accumulate more than three preference points total."
Strike: "; and"

13. Page 8, line 1.
Strike: "September 30"
Insert: "December 31"

14. Page 8, line 1 through line 2.
Following: "year." on line 1
Strike: remainder of line 1 through line 2 in their entirety

15. Page 8, line 3 through line 4.
Following: "(4)" on line 3
Insert: "(a)"
Strike: remainder of line 3 through line 4 in their entirety
Insert: "The"

16. Page 8, line 5.
Strike: "the"
Insert: "an"

17. Page 8, line 5.
Following: "points"
Insert: "if the applicant:
(i) obtains a Class B-10 or Class B-11 license; or

(ii) does not apply for a Class B-10 or Class B-11 license in consecutive years.
(b) If an applicant is unsuccessful in drawing a Class B-10 or Class B-11 license, the department shall allow the applicant to keep and apply preference points to subsequent drawings if done in consecutive years"

18. Page 8.
Following: line 20
Insert: "(8) A nonresident purchasing a second preference point pursuant to subsection (3)(a) shall provide written affirmation at the time of application indicating the name and license number of the outfitter with whom the person intends to hunt. If the nonresident obtains the license applied for with the preference points purchased pursuant to subsection (3)(a), the nonresident may only use the license when accompanied by an outfitter or the outfitter's designee licensed to provide guiding services.
(9) (a) Fees collected from a nonresident purchasing a second preference point pursuant to subsection (3)(a) must be allocated as follows:
(i) 25% to public access land agreements established pursuant to 87-1-295;
(ii) 25% to hunting access programs established pursuant to 87-1-265;
(iii) 25% to the future fisheries program established in 87-1-272 with a priority given to funding projects that provide public access through private property; and
(iv) 25% to the purchase of permanent easements through private property to access otherwise inaccessible lands. An easement funded by this subsection (9)(a)(iv) may be granted only across private land to public land that is leased by the landowner, public land for which there is no leaseholder, or public land for which the landowner has consent of the leaseholder.
(b) The department may expend up to 10% of the revenue allocated pursuant to subsection (9)(a) to pay administrative costs incurred by the department for the purposes outlined in subsection (9)(a), including but not limited to contracting and transaction costs incurred by the department or entities partnering with the department, and for providing support to the private land/public wildlife advisory committee for its review of public access land agreements pursuant to 87-1-295.
(c) At the end of each fiscal year, funds allocated pursuant to subsection (9)(a) that remain unobligated are available to the department for any purpose pursuant to 87-1-201(3)."

19. Page 9, line 3.
Strike: "50"
Insert: "80"

20. Page 9.
Following: line 23
Insert: "**Section 8.** Section 87-2-513, MCA, is amended to read:
"**87-2-513. Either-sex or antlerless elk license or permit for landowner who offers free public elk hunting -- terms, conditions, and issuance.** (1) For wildlife management purposes, the department may issue, at no cost to a landowner who provides free public elk hunting on the landowner's property and pursuant to this section, an either-sex or antlerless elk license, permit, or combination thereof as required in that hunting district

for the landowner or the landowner's designee to hunt on the landowner's property. A designee may be an immediate family member or an authorized full-time employee of the landowner.

(2) To be eligible for a license or permit pursuant to this section, a landowner:

(a) must own occupied elk habitat that is large enough, in the department's determination, to accommodate successful public hunting;

(b) may not have been issued a Class A-7 landowner license pursuant to 87-2-501(3) during the license year;

(c) must have entered into a contractual public elk hunting access agreement with the department in accordance with subsection (7) that allows public access for free public elk hunting on the landowner's property throughout the regular hunting season; and

(d) may not charge a fee or authorize a person to charge a fee for hunting access on the landowner's property.

(3) For every ~~four~~ three members of the public allowed to hunt under the contractual public elk hunting access agreement, the department may issue one license, permit, or combination thereof pursuant to subsection (1). The department may limit the total number of licenses and permits issued under this section.

(4) A license or permit issued pursuant to this section:

(a) is nontransferable and may not be sold or bartered; and

(b) may only be used for hunting conducted on property that is opened to public access pursuant to this section.

(5) The department may prioritize distribution of licenses or permits under subsection (1) according to the areas the department determines are most in need of management.

(6) If the department determines that a landowner or landowner's designee has not abided by the restrictions and conditions of a license or permit issued pursuant to this section, that landowner or landowner's designee is not eligible to receive another license or permit pursuant to this section during any subsequent license year.

(7) (a) A contractual public elk hunting access agreement must define the areas that will be open to public elk hunting, the number of public elk hunting days that will be allowed on the property, and other factors that the department and the landowner consider necessary for the proper management of elk on the landowner's property. The agreement must include a process or methodology the landowner may use to select up to one-third of the public hunters required by subsection (3) and must reserve the right of the landowner to deny access to the landowner's property by a public hunter selected pursuant to subsection (7)(b) for cause, including but not limited to intoxication, violation of landowner conditions for use of the property, or previous misconduct on a landowner's property.

(b) ~~The~~ Except for public hunters selected by the landowner pursuant to subsection (7)(a), the department shall select public hunters eligible to hunt on the landowner's property through a random drawing of holders of existing licenses or permits in that hunting district." "

Renumber: subsequent sections

21. Page 22.
Following: line 24

Insert: "NEW SECTION. **Section 23. One-time issuance of Class B-10 and Class B-11 licenses for nonresidents hunting with licensed outfitters.** (1) The department of fish, wildlife, and parks shall issue, for the requisite fee, the applicable Class B-10 or Class B-11 license to a nonresident who booked a trip for the 2021 license year with an outfitter licensed pursuant to Title 37, chapter 47, part 3, prior to April 1, 2021, but was unsuccessful in the drawing for a 2021 Class B-10 or Class B-11 license.
(2) To be eligible to obtain a license pursuant to this section, the nonresident:
(a) shall apply to obtain the license prior to August 30, 2021; and
(b) shall provide as proof of the booking a reservation record or contract or a deposit payment verification using a credit card record or cancelled check.
(3) A nonresident issued a license pursuant to this section:
(a) forfeits the person's accumulated preference points; and
(b) is not eligible to receive any limited special permit for which the person was also unsuccessful in drawing.
(4) Fees collected for licenses issued pursuant to this section must be allocated in the same manner and used by the department for the same purposes as provided in [section 6(9)]."
Insert: "NEW SECTION. **Section 24. Transfer of ownership interest in commercial licenses.** Unless otherwise specifically provided in this chapter, the sale or transfer of an ownership interest in an incorporated entity that holds a commercial license issued pursuant to this chapter does not constitute a transfer of the license so long as the license remains in the name of the incorporated entity."
Renumber: subsequent sections

22. Page 22.
Following: line 26
Insert: "87-1-296. Funding agreement limits -- administrative costs.
87-1-297. Rulemaking authority."

23. Page 23, line 20.
Following: "**instruction.**"
Insert: "(1)"

24. Page 23, line 20.
Strike: "13"
Insert: "15"

25. Page 23, line 22.
Strike: "13"
Insert: "15"

26. Page 23, line 22.
Following: "15]."
Insert: "(2) [Section 24] is intended to be codified as an integral part of Title 87, chapter 4, and the provisions of Title 87, chapter 4, apply to [section 24]."

27. Page 23, line 25.
Strike: "5"
Insert: "7"

28. Page 24, line 7.
Strike: "50"
Insert: "80"

29. Page 25, line 3.
Strike: "16"
Insert: "19"

30. Page 27.
Following: line 3
Insert: "COORDINATION SECTION. **Section 31. Coordination instruction**. If both House Bill No. 353 and [this act] are passed and approved, then the provisions of House Bill No. 353 apply retroactively to special moose licenses issued on or after March 1, 2019. A person who is eligible to receive a replacement license pursuant to this section may only receive the replacement license in the 2021 license year."
Renumber: subsequent sections

31. Page 27, line 6.
Strike: "5"
Insert: "6"

For the Senate:

Brown, Chair
Flowers
Hinebauch

For the House:

Berglee, Vice Chair
Loge
Running Wolf

FREE CONFERENCE COMMITTEE
on **House Bill 693**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 693** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 693** (reference copy -- salmon) be amended as follows:

1. Title, line 12.

Strike: "REQUIRING THE INVESTIGATION OF CERTAIN ORGANIZATIONS BY THE DEPARTMENT OF JUSTICE;"

2. Title, line 13.
Following: "~~EVALUATION;~~"
Insert: "TRANSFERRING ADMINISTRATION OF 9-1-1 FUNDS FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF JUSTICE;"

3. Title, line 15 through line 16.
Strike: "ESTABLISHING" on line 15 through "CORRECTIONS;" on line 16

4. Title, line 19.
Following: "RENEWAL;"
Insert: "REVISING FUNDING FOR THE MOTOR VEHICLE INFORMATION TECHNOLOGY SYSTEM ACCOUNT;"
Following: "3-5-102,"
Insert: "10-4-101, 10-4-105, 10-4-304,"

5. Title, line 20.
Strike: "53-1-211,"
Insert: "61-3-103, 61-3-109, 61-3-203,"

6. Page 8, line 26 through page 9, line 21.
Strike: section 6 in its entirety
Renumber: subsequent sections

7. Page 10.
Following: line 16
Insert: "**Section 9.** Section 10-4-101, MCA, is amended to read:
"**10-4-101. Definitions.** As used in this chapter, unless the context requires otherwise, the following definitions apply:
(1) "9-1-1 system" means telecommunications facilities, circuits, equipment, devices, software, and associated contracted services for the transmission of emergency communications. A 9-1-1 system includes the transmission of emergency communications:
(a) from persons requesting emergency services to a primary public safety answering point and communications systems for the direct dispatch, relay, and transfer of emergency communications; and
(b) to or from a public safety answering point to or from emergency service units.
(2) "Access line" means a voice service of a provider of exchange access services, a wireless provider, or a provider of interconnected voice over IP service that has enabled and activated service for its subscriber to contact a public safety answering point via a 9-1-1 system by entering or dialing the digits 9-1-1. When the service has the capacity, as enabled and activated by a provider, to make more than one simultaneous outbound 9-1-1 call, then each separate simultaneous outbound call, voice channel, or other capacity constitutes a separate access line.

(3) "Commercial mobile radio service" means:
(a) a mobile service that is:
(i) provided for profit with the intent of receiving compensation or monetary gain;
(ii) an interconnected service; and
(iii) available to the public or to classes of eligible users so as to be effectively available to a substantial portion of the public; or
(b) a mobile service that is the functional equivalent of a mobile service described in subsection (3)(a).
(4) "Department" means the department of ~~administration~~ justice provided for in Title 2, chapter 15, part ~~10~~ 20.
(5) "Emergency communications" means any form of communication requesting any type of emergency services by contacting a public safety answering point through a 9-1-1 system, including voice, nonvoice, or video communications, as well as transmission of any text message or analog digital data.
(6) "Emergency services" means services provided by a public or private safety agency, including law enforcement, firefighting, ambulance or medical services, and civil defense services.
(7) "Exchange access services" means:
(a) telephone exchange access lines or channels that provide local access from the premises of a subscriber in this state to the local telecommunications network to effect the transfer of information; and
(b) unless a separate tariff rate is charged for the exchange access lines or channels, a facility or service provided in connection with the services described in subsection (7)(a).
(8) "Interconnected voice over IP service" means a service that:
(a) enables real-time, two-way voice communications;
(b) requires a broadband connection from a user's location;
(c) requires IP-compatible customer premises equipment; and
(d) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.
(9) "IP" means internet protocol, or the method by which data are sent on the internet, or a communications protocol for computers connected to a network, especially the internet.
(10) "Local government" has the meaning provided in 7-11-1002.
(11) "Next-generation 9-1-1" means a system composed of hardware, software, data, and operational policies and procedures that:
(a) provides standardized interfaces from call and message services;
(b) processes all types of emergency calls, including nonvoice or multimedia messages;
(c) acquires and integrates additional data useful to emergency communications;
(d) delivers the emergency communications or messages, or both, and data to the appropriate public safety answering point and other appropriate emergency entities;
(e) supports data and communications needs for coordinated incident response and management; and
(f) provides a secure environment for emergency communications.
(12) "Originating service provider" means an entity that provides capability for a retail customer to initiate emergency communications.

(13) "Per capita basis" means a calculation made to allocate a monetary amount for each person residing within the jurisdictional boundary of a county according to the most recent decennial census compiled by the United States bureau of the census.
(14) "Private safety agency" means an entity, except a public safety agency, providing emergency fire, ambulance, or medical services.
(15) "Provider" means a public utility, a cooperative telephone company, a wireless provider, a provider of interconnected voice over IP service, a provider of exchange access services, or any other entity that provides access lines.
(16) "Public safety agency" means a functional division of a local or tribal government or the state that dispatches or provides law enforcement, firefighting, or emergency medical services or other emergency services.
(17) "Public safety answering point" means a communications facility operated on a 24-hour basis that first receives emergency communications from persons requesting emergency services and that may, as appropriate, directly dispatch emergency services or transfer or relay the emergency communications to appropriate public safety agencies.
(18) "Relay" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, notes the pertinent information from the caller and relays the information to the appropriate public safety agency, other agencies, or other providers of emergency services for dispatch of an emergency unit.
(19) "Subscriber" means an end user who has an access line or who contracts with a wireless provider for commercial mobile radio services.
(20) "Transfer" means a service in which a public safety answering point, upon receipt of a telephone request for emergency services, directly transfers the request to an appropriate public safety agency or other emergency services provider.
(21) "Tribal government" has the meaning provided in 2-15-141.
(22) "Wireless provider" means an entity that is authorized by the federal communications commission to provide facilities-based commercial mobile radio service within this state."
"

Insert: "**Section 10.** Section 10-4-105, MCA, is amended to read:
"**10-4-105. 9-1-1 advisory council.** (1) There is a 9-1-1 advisory council.
(2) The council consists of 18 members appointed by the governor as follows:
(a) the ~~director of the department or the director's~~ attorney general or the attorney general's designee, who serves as presiding officer of the council;
(b) a representative of the department of justice, Montana highway patrol;
(c) a representative of the Montana emergency medical services association;
(d) three representatives of Montana telecommunications providers, including at least one wireless provider;
(e) a representative of the Montana association of public safety communications officials;
(f) two public safety answering point managers, one serving a population of less than 30,000 and one serving a population of greater than 30,000;
(g) a representative of the department of military affairs, disaster and emergency services division;
(h) a representative of the Montana association of chiefs of police;
(i) a representative of the Montana sheriffs and peace officers association;

(j) a representative of the Montana state fire chiefs' association;
(k) a representative of the Montana state volunteer firefighters association;
(l) a representative of the Montana association of counties;
(m) a representative of the Montana league of cities and towns;
(n) the state librarian or the state librarian's designee; and
(o) the state director of Indian affairs provided for in 2-15-217.
(3) The council is attached to the department for administrative purposes only, as provided in 2-15-121.
(4) The council shall, within its authorized budget, hold quarterly meetings.
(5) Council members shall serve without additional salary but are entitled to reimbursement for travel expenses incurred while engaged in council activities as provided for in 2-18-501 through 2-18-503.""
Insert: "**Section 11.** Section 10-4-304, MCA, is amended to read:
"**10-4-304. Establishment of 9-1-1 accounts.** (1) Beginning July 1, 2018, there is established in the state special revenue fund an account for fees collected for 9-1-1 services pursuant to 10-4-201.
(2) Funds in the account are statutorily appropriated to the department, as provided in 17-7-502. Except as provided in subsection (3), beginning July 1, 2018, funds that are not used for the administration of this chapter by the department <u>or used for public safety radio communications, if allowable,</u> are allocated as follows:
(a) 75% of the account must be deposited in an account for distribution to local and tribal government entities that host public safety answering points in accordance with 10-4-305 and with rules adopted by the department in accordance with 10-4-108; and
(b) 25% of the account must be deposited in an account for distribution in the form of grants to private telecommunications providers, local or tribal government entities that host public safety answering points, or both in accordance with 10-4-306.
(3) Beginning July 1, 2018, all money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account.
(4) The accounts established in subsections (1) and (2) retain interest earned from the investment of money in the accounts.""
Renumber: subsequent sections

8. Page 16, line 8 through line 13.
Strike: section 11 in its entirety
Renumber: subsequent sections

9. Page 19, line 9 through page 20, line 15.
Strike: section 13 in its entirety
Insert: "**Section 14.** Section 61-3-103, MCA, is amended to read:
"**61-3-103. Filing of security interests -- perfection -- rights -- procedure -- fees.** (1) (a) Except as provided in subsection (2), the department, its authorized agent, or a county treasurer shall, upon payment of the fee required by subsection (8), enter a voluntary security interest or lien against the electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile upon receipt of a written acknowledgment of a voluntary security interest or lien by the

owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile on a form prescribed by the department.

(b) After the voluntary security interest or lien has been entered on the electronic record of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the department, its authorized agent, or a county treasurer shall issue a transaction summary receipt to the owner and, if requested, to the secured party or lienholder, showing the date that the security interest or lien was perfected.

(c) A voluntary security interest or lien is perfected on the date that the department, its authorized agent, or a county treasurer receives the written acknowledgment of the voluntary security interest or lien from the owner of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

(d) Except as provided in subsection (3), when a person applying for a certificate of title requests issuance of a certificate of title under 61-3-201, the department shall record the voluntary security interest or lien on the face of a certificate of title.

(2) A security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile held as inventory by a dealer licensed under Title 23, chapter 2, part 5, 6, or 8, or chapter 4 of this title must be perfected in accordance with Title 30, chapter 9A.

(3) Whenever a security interest or lien is filed against the electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is subject to two security interests previously perfected under this section and the applicant has requested issuance of a certificate of title under 61-3-201, the department shall endorse on the face of the certificate of title, "NOTICE. This vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests is not required to be endorsed on the certificate.

(4) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits must be made with the department.

(5) A secured party or lienholder who has a perfected security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and who fails to file a satisfaction of the security interest or lien within 21 days after receiving final payment is required to pay the department $25 for each day that the secured party or lienholder fails to file the satisfaction.

(6) Within 24 hours after receiving notice of any involuntary liens or attachments against the record of any motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile registered in this state, the department shall mail to the owner or any secured party or lienholder of record a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court and the action and the names of the attorneys for the plaintiff and attaching creditor.

(7) (a) This section does not prevent a secured party or lienholder from assigning the secured party's or lienholder's interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, for which a certificate of title is issued under this chapter, to any other person without the consent of and without affecting the interest of the holder of the certificate of title.

(b) If a secured party assigns all or part of the party's interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile for which a certificate of title is issued under this chapter, the secured party assigning the interest shall file a copy of the assignment with the department and the department shall record the assignment in the department's records.

(8) (a) A fee must be paid to the department to file any security interest or other lien against a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile. The fee covers the cost of entering and, upon the subsequent satisfaction or release, of removing the security interest or lien from the electronic record of title.

(b) ~~Beginning January 1, 2002, and ending June 30, 2019, the~~ The fee to file a lien is $8. Of the $8 fee, $4 must be deposited in the state general fund in accordance with 15-1-504. The remaining $4 must be forwarded to the state for deposit in the motor vehicle information technology system account provided for in 61-3-550.

~~(c) Beginning July 1, 2019, the fee is $4 and must be deposited in the state general fund.~~

(9) (a) Until June 30, ~~2026~~ 2034, a fee of $10 must be paid to the department by a vehicle owner if, following satisfaction or release of a security interest and its removal from the department's records, the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner requests issuance of a new certificate of title without the security interest or lien shown on the face of the title. Beginning July 1, ~~2026~~ 2034, the fee for a new certificate of title under this subsection is $5.

(b) Until June 30, ~~2026~~ 2034, the fee must be deposited in the motor vehicle information technology system account provided for in 61-3-550.

(c) Beginning July 1, ~~2026~~ 2034, the $5 fee must be deposited in the state general fund.""

Insert: "Section 15. Section 61-3-109, MCA, is amended to read:

"**61-3-109. Electronic title, lien filing, and registration.** (1) The department shall develop and implement a pilot program to allow:

(a) electronic transmission of data by an authorized agent, a county treasurer, or a person to or from the department in lieu of the transmission of paper documents;

(b) substantiation of electronic record transactions performed by the department, an authorized agent, a county treasurer, or a person;

(c) the production and certification by a court or an authorized agent of a motor vehicle record generated from electronic records of title and registration maintained by the department;

(d) electronic filing, perfection, and release of security interests or liens of record;

(e) certification and audit by the department of its authorized agents; and

(f) expedited title services for customers with exceptional needs who are willing to pay an optional fee prescribed by the department by rule.

(2) Money collected from the fee imposed under subsection (1)(f) must be deposited in the ~~highway nonrestricted~~ motor vehicle information technology system account provided for in ~~15-70-125~~ 61-3-550.""

Insert: "**Section 16.** Section 61-3-203, MCA, is amended to read:

"**61-3-203. Fee for original certificate of title -- disposition.** (1) Until June 30, ~~2026~~ 2028, a person applying for a certificate of title shall pay the department, its authorized agent, or a county treasurer a fee of:

(a) $10 if the vehicle for which a certificate of title is sought is not a light vehicle or a truck or bus that weighs 1 ton or less; or

(b) $12 if the vehicle for which application is made is a light vehicle or a truck or bus that weighs 1 ton or less.

(2) The amount of $5 of the fee imposed pursuant to subsection (1) must be forwarded to the department for deposit in the motor vehicle information technology system account provided for in 61-3-550, and the remaining amount must be deposited in the state general fund.

(3) For expedited certificates of title, which may only be issued by the Montana motor vehicle division, the entirety of the fee imposed pursuant to subsection (1) must be deposited into the motor vehicle information technology system account provided for in 61-3-550.

(4) Beginning July 1, ~~2026~~ 2028, the fee imposed in subsection (1)(a) is $5 and the fee imposed in subsection (1)(b) is $7 and all fees paid pursuant to this section must be deposited in the state general fund.""

Renumber: subsequent sections

10. Page 25, line 20.
Strike: "5"
Insert: "4"

11. Page 26, line 1.
Strike: "16 AND 18"
Insert: "19 and 21"

For the Senate:	For the House:
Osmundson, Chair	Mercer, Vice Chair
Howard	Kerr-Carpenter
Lynch	Patelis

MESSAGES FROM THE GOVERNOR

April 28, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, MT 59601

The Honorable Wylie Galt
Speaker of the House
State Capitol
Helena, MT 59601

Dear President Blasdel and Speaker Galt:

I support **Senate Bill 47'**s efforts to bring greater transparency and accountability to the Department of Corrections (DOC). I firmly believe Montanans deserve to know how our state agencies operate.

Unfortunately, existing DOC systems do not support the reporting requirements of SB 47, and Brian Gootkin, the director of DOC, and I are committed to implementing changes that can deliver the transparency that is at the heart of SB 47.

Therefore, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, **I hereby return with amendments Senate Bill 47**: "AN ACT REVISING LAWS RELATED TO COMMITMENTS TO THE DEPARTMENT OF CORRECTIONS; REQUIRING THE DEPARTMENT TO NOTIFY A SENTENCING JUDGE WHEN THE DEPARTMENT IS UNABLE TO HONOR THE JUDGE'S PLACEMENT RECOMMENDATION; AND REQUIRING THE DEPARTMENT TO COLLECT, ANALYZE, AND REPORT CERTAIN DATA."

I appreciate the purpose of SB 47, which aims to grant the legislature further insight into DOC activities and outcomes. In its current form, the legislation requires the enhanced tracking and reporting of court placement recommendations, DOC placement decisions, rationale for differences between recommendations and placements, felony convictions of those on supervision, and reasons for probation revocations.

SB 47 imposes retroactive data reporting requirements that the department cannot practicably meet given current limitations of the state's Offender Management Information Systems (OMIS).

Furthermore, I believe DOC needs more time to comply with the provisions of SB 47, largely due to OMIS modifications that will allow this important information to be captured in the future.

My amendment ultimately promotes implementation of SB 47 by providing DOC with adequate time to revamp OMIS and eliminating unnecessary, burdensome reporting requirements that cannot be met in an efficient manner.

Please know I am fully committed to improving data across Montana's criminal justice system. My administration is eager to lead the way, and I look forward to collaborating with the legislature in this regard.

I respectfully ask for your support of this amendment.

Sincerely,

Greg Gianforte
Governor

Amendments to Senate Bill No. 47
Reference Copy

Requested by the Governor
For the (S) Committee of the Whole

1. Page 1, line 22.
Strike: "The"
Insert: "Beginning September 1, 2022, the"

2. Page 1, line 25.
Following: "PREVIOUS"
Insert: "fiscal"

3. Page 2, line 3.
Following: "INCLUDE"
Strike: "THE CRIMINAL HISTORY OF THE OFFENDERS AND"

4. Page 2, line 6 through line 9.
Strike: section 2 in its entirety
Renumber: subsequent section

April 28, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, MT 59601

The Honorable Wylie Galt
Speaker of the House
State Capitol
Helena, MT 59601

Dear President Blasdel and Speaker Galt:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 98** "AN ACT REVISING THE CIRCUMSTANCES UNDER WHICH GRIZZLY BEARS MAY BE TAKEN BY LANDOWNERS TO PROTECT PERSONS OR LIVESTOCK; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR AN ABSOLUTE DEFENSE; AMENDING SECTION 87-6-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

This bill reflects the growing frustration of Montanans with the inability to manage grizzly bears in a common sense manner. To anyone living along the Rocky Mountain Front and elsewhere in the state, it is clear that grizzly populations are fully recovered. This perception is supported by significant scientific research and data. In fact, under both President Obama and President Trump, the U.S. Department of the Interior concluded that grizzlies are fully recovered. Yet a court has refused to remove them from the endangered species list.

Because of this reality, SB 98 allows landowners to take action to protect persons or livestock from a fully recovered species without the worry of prosecution. The State of Montana has the expertise and resources to ensure that grizzlies are managed in a sustainable way. The State of Montana can also protect the lives and livelihoods of the people that live in grizzly country, and that is what this legislation seeks to accomplish.

My amendatory language makes clear that it is Montana law that reflects these realities and that while state law cannot preempt the federal Endangered Species Act, Montana is committed to a common sense approach on this issue insofar as its jurisdiction allows.

I respectfully ask for your support of this amendment.

Sincerely,

Greg Gianforte
Governor

Amendments to Senate Bill No. 98
Reference Copy

Requested by the Governor
For the (S) Committee of the Whole

1. Page 1, line 18.
Following: "liability"
Insert: "pursuant to Montana law"

2. Page 1, line 28.
Following: "crime"
Insert: "under Montana law"

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Glimm in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJ 29 - Senator Gross moved **HJ 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 35 - Senator Gross moved **HJ 35** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 39 - Senator Sands moved **HJ 39** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber, Welborn, Mr. President.
Total 43

Nays: Esp, Glimm, Keenan, McGillvray, Molnar, Regier K, Tempel.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 44 - Senator Howard moved **HJ 44** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 45 - Senator Molnar moved **HJ 45** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 47 - Senator Sands moved **HJ 47** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 48 - Senator Friedel moved **HJ 48** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Esp.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 49 - Senator McGillvray moved **HJ 49** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 278 - **Free Conference Committee Report No. 1** - Senator Hertz moved the Free Conference Committee report to **SB 278** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 319 - **Free Conference Committee Report No. 1** - Senator Hertz moved the Free Conference Committee report to **SB 319** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SJ 1 - **Free Conference Committee Report No. 1** - Senator C. Smith moved the Free Conference Committee report to **SJ 1** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 188 - **Conference Committee Report No. 1** - Senator Vance moved the Conference Committee report to **HB 188** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Friedel, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Glimm moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Hertz moved the Senate reconsider its action on **HB 656**, which failed third reading the previous legislative day, and that **HB 656** be placed on third reading this day. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 26

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Howard, Jacobson, Kary, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Webber.
Total 24

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 555 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 648 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 678 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Hoven, Keenan, Small.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Welborn, Chair): 4/28/2021
HJ 27, be concurred in.
HJ 37, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 191**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 191** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 191** (reference copy -- salmon) be amended as follows:

1. Title, line 7.
Following: "REQUIREMENTS;"
Insert: "PROVIDING LEGISLATIVE INTENT; REVISING LAWS RELATING TO THE TRANSFER OF DEFENDANTS AFTER SENTENCING; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO REPORT TO LEGISLATIVE COMMITTEES PRIOR TO TAKING CERTAIN ACTIONS; PROVIDING FOR TRANSFERS AND APPROPRIATIONS; AMENDING SECTION 1, CHAPTER 1, LAWS OF 2019;"

2. Title, line 8.
Following: "17-7-209,"
Strike: "AND"
Following: "17-7-402,"
Insert: "46-19-101, AND 53-6-101,"
Following: "AN"
Insert: "IMMEDIATE"

3. Page 2, line 9.
Following: "~~the~~"
Insert: "The state treasurer shall calculate the operating reserve level of general fund balance defined in 17-7-102(11). The treasurer shall first apply the excess revenue to reach the operating reserve level general fund balance, if necessary. Once the general fund balance is at the reserve level, 75% of the remaining excess revenue is transferred to the budget stabilization reserve fund."

4. Page 2, line 9 through line 12
Strike: "By" on line 9 through "(6)." on line 12

5. Page 2, line 15.
Following: "THEN"
Insert: "50% of"

6. Page 2, line 15.
Strike: "17-7-208"
Insert: "17-7-209 and 50% to the general fund"

7. Page 4, line 16.
Strike: "and proprietary funds"

8. Page 5.
Following: line 20
Insert: "**Section 4.** Section 53-6-101, MCA, is amended to read:
"**53-6-101. Montana medicaid program -- authorization of services.** (1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in

accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq. The department shall administer the Montana medicaid program.

(2) The department and the legislature shall consider the following funding principles when considering changes in medicaid policy that either increase or reduce services:

(a) protecting those persons who are most vulnerable and most in need, as defined by a combination of economic, social, and medical circumstances;

(b) giving preference to the elimination or restoration of an entire medicaid program or service, rather than sacrifice or augment the quality of care for several programs or services through dilution of funding; and

(c) giving priority to services that employ the science of prevention to reduce disability and illness, services that treat life-threatening conditions, and services that support independent or assisted living, including pain management, to reduce the need for acute inpatient or residential care.

(3) Medical assistance provided by the Montana medicaid program includes the following services:

(a) inpatient hospital services;

(b) outpatient hospital services;

(c) other laboratory and x-ray services, including minimum mammography examination as defined in 33-22-132;

(d) skilled nursing services in long-term care facilities;

(e) physicians' services;

(f) nurse specialist services;

(g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age, in accordance with federal regulations and subsection (10)(b);

(h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;

(i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;

(j) services that are provided by physician assistants within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;

(k) health services provided under a physician's orders by a public health department;

(l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2);

(m) routine patient costs for qualified individuals enrolled in an approved clinical trial for cancer as provided in 33-22-153;

(n) for children 18 years of age and younger, habilitative services as defined in 53-4-1103; and

(o) services provided by a person certified in accordance with 37-2-318 to provide services in accordance with the Indian Health Care Improvement Act, 25 U.S.C. 1601, et seq.

(4) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:

(a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;

(b) home health care services;

(c) private-duty nursing services;

(d) dental services;

(e) physical therapy services;

(f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 10;
(g) clinical social worker services;
(h) prescribed drugs, dentures, and prosthetic devices;
(i) prescribed eyeglasses;
(j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;
(k) inpatient psychiatric hospital services for persons under 21 years of age;
(l) services of professional counselors licensed under Title 37, chapter 23;
(m) hospice care, as defined in 42 U.S.C. 1396d(o);
(n) case management services, as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;
(o) services of psychologists licensed under Title 37, chapter 17;
(p) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201; (q) services of behavioral health peer support specialists certified under Title 37, chapter 38, provided to adults 18 years of age and older with a diagnosis of a mental disorder, as defined in 53-21-102; and
(r) any additional medical service or aid allowable under or provided by the federal Social Security Act.

(5) Services for persons qualifying for medicaid under the medically needy category of assistance, as described in 53-6-131, may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (3) and (4) to persons qualifying for medicaid under the medically needy category of assistance.

(6) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving cash assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child and for all adult recipients of medical assistance only who are covered under a group related to a program providing cash assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsection (3) but may include those optional services listed in subsections (4)(a) through (4)(r) that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds appropriated by the legislature, whether approval has been received, as provided in 53-1-612, and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage.

(7) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(8) (a) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

(b) The department shall strive to close gaps in services provided to individuals suffering from mental illness and co-occurring disorders by doing the following:

(i) simplifying administrative rules, payment methods, and contracting processes for providing services to individuals of different ages, diagnoses, and treatments. Any adjustments to payments must be cost-neutral for the biennium beginning July 1, 2017.

(ii) publishing a report on an annual basis that describes the process that a mental health center or chemical dependency facility, as those terms are defined in 50-5-101, must utilize in order to receive payment from Montana medicaid for services provided to individuals of different ages, diagnoses, and treatments.

(9) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.

(10) (a) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.

(b) The department shall, with reasonable promptness, provide access to all medically necessary services prescribed under the early and periodic screening, diagnosis, and treatment benefit, including access to prescription drugs and durable medical equipment for which the department has not negotiated a rebate.

(11) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(12) (a) Prior to enacting changes to provider rates, medicaid waivers, or the medicaid state plan, the department shall report the information to:

(i) the children, families, health, and human services interim committee; and

(ii) the legislative finance committee.

(b) In its report to the committees, the department shall provide an explanation for the proposed changes and an estimated budget impact to the department over the next 4 fiscal years.

~~(12)~~(13) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program after taking into consideration the funding principles set forth in subsection (2). (Subsection (3)(o) terminates September 30, 2023--sec. 7, Ch. 412, L. 2019.)""

Insert: "NEW SECTION. **Section 5. Legislative intent -- medicaid transfers.** If, during the 2023 biennium, expenditures in the disabilities and employment transition division, the developmental services division, the health resources division, the senior and long term care division, the addictive and mental disorders division, or the child and family services division are estimated to exceed appropriations, thereby requiring actions under 17-7-301, it is the intent of the legislature that the department of public health and human services may, with prior approval of the office of budget and program planning, transfer budget authority from any division in the department to any other division listed above to eliminate a potential deficit or supplemental request and eliminate the need for actions under 17-7-301. Total transfers to a division may not exceed 10% of the budget of the division receiving the transfer. Such transfers between divisions must be reported by the

department to the legislative finance committee at its next regular meeting. For the 2023 biennium, this language supersedes language contained in House Bill No. 341 and House Bill No. 275, if passed and approved."

Insert: "**Section 6.** Section 1, Chapter 1, Laws of 2019, is amended to read:

"**Section 1. Appropriation.** (1) The following amounts are appropriated from the state general fund for fiscal years 2019, 2020, and 2021 for the operation of the 66th legislature and the costs of preparing for the 67th legislature:

LEGISLATIVE BRANCH (1104)

1. Senate $3,850,818
2. House of Representatives $6,346,581
3. Legislative Services Division $1,069,866

(2) The following amounts are appropriated from the state general fund for fiscal year 2021 for the initial costs of the 67th legislature:

LEGISLATIVE BRANCH (1104)

1. Senate $316,674
2. House $521,853
3. Legislative Services Division $16,500

(3) Funds in subsections (1) and (2) appropriated to the Senate and the House of Representatives that are unencumbered and unexpended on June 30, 2021, may be used to support the 67th legislature for the purposes in House Bill No. 483.""

Insert: "NEW SECTION. **Section 7. Transfer of funds.** The state treasurer shall transfer $165 million from the general fund to the capital developments long-range building program account established in 17-7-209 by June 30, 2021."

Insert: "NEW SECTION. **Section 8. Appropriation**. (1) For the biennium beginning July 1, 2021, there is appropriated $1,500,000 from the general fund to the office of budget and program planning to be allocated to agencies at the discretion of the office of budget and program planning. Funding may be included as part of the base budget for the next legislative session.

(2) For the biennium beginning July 1, 2021, there is appropriated $1,000,000 from a state special revenue account to the office of budget and program planning to be allocated to agencies at the discretion of the office of budget and program planning. Funding may be included as part of the base budget for the next legislative session."

Insert: "COORDINATION SECTION. **Section 9. Coordination instruction**. If both [this act] and House Bill No. 578 are passed and approved, then 46-19-101 must be amended as follows:

"**46-19-101. Commitment of defendant -- transfer of information in possession of sheriff -- notification to court of delay.** (1) Upon oral pronouncement of a sentence imposing punishment of imprisonment, commitment to the department of corrections, placement in a prerelease center, community corrections facility, or other place of confinement, or death, the court shall commit the defendant to the custody of the sheriff, who shall deliver the defendant to the place of confinement, commitment, or execution and give that place an order, which must be signed by the sentencing judge on the date of oral pronouncement of sentence, stating that the defendant is sentenced to that place for imprisonment, commitment, placement, or execution, as the case may be. The order is

authority for that place to hold the defendant pending receipt by that place of a copy of the written judgment.

(2) When a sheriff delivers the defendant to the place of confinement, commitment, or execution, the sheriff shall deliver at the same time all information in the possession of the sheriff regarding the physical and mental health of the defendant, including health information contained in a presentence investigation report.

(3) If a defendant is sentenced to prison, another place of confinement operated by or under contract with the department of corrections, or committed to the department and the offender is not transported to the placement within 10 days of receipt of sentencing documents, the department shall notify the court in writing of the reason for the delay.""

Insert: "COORDINATION SECTION. **Section 10. Coordination instruction**. If both [this act] and House Bill No. 497 are passed and approved, then [section 4 of this act], amending 53-6-101, is void and 53-6-101 must be amended to include a new subsection (12) that reads as follows:

"(12) (a) Prior to enacting changes to provider rates, medicaid waivers, or the medicaid state plan, the department of public health and human services shall report this information to the following committees:

(i) the children, families, health, and human services interim committee;

(ii) the legislative finance committee; and

(iii) the health and human services budget committee.

(b) In its report to the committees, the department shall provide an explanation for the proposed changes and an estimated budget impact to the department over the next 4 fiscal years.""

Insert: "COORDINATION SECTION. **Section 11. Coordination instruction**. If both [this act] and House Bill No. 8 are passed and approved, then [section 2(4)(b) of House Bill No. 8] must read:

"(b) The loan in this subsection (4) is contingent on the following:

(i) the forming of a water users' association of Montana users of the waters flowing from the Milk River that includes cities, towns, districts, water users' associations, and other unassociated individuals and entities; and"

(ii) the water users' association demonstrating to the satisfaction of the department of natural resources and conservation its financial capacity, through water user fees or other available sources of funding, to pay the annual costs of the loan repayment over the term of the loan.""

Insert: "COORDINATION SECTION. **Section 12. Coordination instruction**. If both [this act] and House Bill No. 629 are passed and approved, then [section 20 of House Bill No. 629] must read:

"**Section 20. Appropriation.** There is appropriated $271,895 from the general fund to the department of labor and industry for the fiscal year beginning July 1, 2022, for the purposes of complying with [this act].""

Renumber: subsequent sections

9. Page 5, line 21.

Strike: "June 30, 2021"

Insert: "on passage and approval"

For the Senate:

Osmundson, Chair
Lynch
C. Smith

For the House:

Jones, Vice Chair
Bartel
Kerr-Carpenter

FREE CONFERENCE COMMITTEE
on **Senate Bill 231**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 231** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 231** (reference copy -- salmon) be amended as follows:

1. Title, line 8.
Following: "SIZES;"
Insert: "ALLOWING CERTAIN BOUNDARY RELOCATIONS;"

2. Page 2, line 23.
Strike: "and"
Insert: ";"

3. Page 2, line 24.
Strike: "(b)"

4. Page 2, line 26 through line 27.
Strike: "(C)" on line 26 through "DISTRICT" on line 27

5. Page 3, line 5 through line 6.
Strike: "EACH" on line 5 through "MADE" on line 6

6. Page 3.
Following: line 7
Insert: "(b) relocating common boundary lines between adjoining properties located within a zoning district is allowed provided the adjoining properties are owned by the same person or entity;
(c) a division of land exempted under subsection (1)(b) that is also located in a zoning district is allowed if each family transfer parcel created by the division is at least 5 acres, unless the zoning district allows for smaller lot sizes"
Renumber: subsequent subsections

For the Senate:	For the House:
Blasdel, Chair	Malone, Vice Chair
Boldman	Harvey
Fitzpatrick	Walsh

FREE CONFERENCE COMMITTEE
on **Senate Bill 388**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 388** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 388** (reference copy -- salmon) be amended as follows:

1. Title, line 10.
Following: "EFFECTIVE DATE"
Strike: "AND AN APPLICABILITY DATE"

2. Page 3, line 12.
Strike: "gondolas,"

3. Page 4, line 21.
Strike: "2021"
Insert: "2022"

4. Page 4, line 27.
Strike: "2021"
Insert: "2022"

5. Page 7, line 9.
Strike: "2021"
Insert: "2022"

6. Page 7, line 10.
Strike: "25 years"
Insert: "the 30th year following the original adoption of the tax increment provision"

7. Page 8, line 25 through line 26.
Strike: section 8 in its entirety

For the Senate:

Hertz, Chair
Kary
Pope

For the House:

Welch, Vice Chair
Harvey
Kassmier

FREE CONFERENCE COMMITTEE
on **House Bill 2**
Report No. 004, April 29, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 2** (reference copy -- salmon) be amended as follows:

1. Page A-1: .
Following: line 14
Insert: "e. Capitol Technical Support"
Insert: "100,000 100,000" [State Special Fund FY22 FY23]
2. Page A-1: .
Following: line 21
Insert: "c. Committee on Judicial Accountability/HB 483" (Restricted/Biennial/OTO)"
Insert: "285,496" [General Fund FY22]
3. Page A-1, line 23: .
Strike: "2,235,078 2,386,410" [General Fund FY22 FY23]
Insert: "2,353,655 2,459,174" [General Fund FY22 FY23]
4. Page A-2: .
Following: line 8
Insert: "It is the intent of the Legislature that the Legislative Services Division may collect fees for deposit in a state special revenue account for the development, coordination, and support of remote and hybrid meetings conducted in the Capitol. Legislative meetings would not be subject to the fees."
5. Page A-3.
Following: line 6
Insert: "c. Internal Audit Management (Restricted/Biennial/OTO)"
Insert: "125,000 125,000 " [General Fund FY22 FY23]
6. Page A-3: .
Following: line 20
Insert: "**SECRETARY OF STATE (32010)**"
Insert: "1. Business and Government Services (01)"

Insert: "Election Litigation (Restricted/Biennial/OTO)"
Insert: "100,000" [General Fund FY22]
7. Page A-6, line 18: .
Strike: "14,861,532 17,662,985" [General Fund FY22 FY23]
Insert: "9,094,743 9,454,934" [General Fund FY22 FY23]
1 HB000232-O.AKW
8. Page A-7, line 4: .
Strike: "423,193 424,342" [State Special Fund FY22 FY23]
9. Page A-7: .
Strike: line 5 through line 6 in their entirety
10. Page A-8: .
Following: line 10
Insert: "It is the intent of the Legislature that the Department of Administration transition all statewide workforce training from the Professional Development Center to the private sector, universities, or colleges by the end of the 2023 biennium. It is the intent of the Legislature that the Professional Development Center be closed by the end of the 2023 biennium."
11. Page A-8:
Following: line 10
Insert: "The Director's Office includes a one-time-only general fund reduction of $5,766,789 in FY 2022 and $8,208,051 in FY 2023 for the transfer to the capital development account."
12. Page A-8:
Following: Line 24
Insert: "Taiwan Economic Development and Business Recruitment (Biennial)"
Insert: "500,000 500,000" [State Special Fund FY22 FY23]
13. Page A-9, line 9: .
Strike: "0 0" [State Special Fund FY22 FY23]
Insert: "1,270,000 1,270,000" [State Special Fund FY22 FY23]
14. Page A-9, line 11:
Strike: "600,000 600,000" [State Special Fund FY22 FY23]
Insert: "1,000,000 1,000,000" [State Special Fund FY22 FY23]
15. Page A-11, line 19: .
Strike: "653,674 654,614" [Federal Special Fund FY22 FY23]
Insert: "653,924 655,299" [Federal Special Fund FY22 FY23]
16. Page B-1: .
Following: line 19
Insert: "a. Report on Medicaid Paid Abortions"
Insert: "45,000 45,000" [General Fund FY22 FY23]
17. Page B-2, line 18: .
Strike: "1,905,267 3,810,534" [General Fund FY22 FY23]
Insert: "1,339,072 2,678,145" [General Fund FY22 FY23]

2 HB000232-O.AKW
Strike: "3,522,843 7,045,686" [Federal Special Fund FY22 FY23]
Insert: "2,481,465 4,951,894" [Federal Special Fund FY22 FY23]
18. Page B-3: .
Following: line 5
Insert: "g. Home and Community Based Services Direct Care Worker Recruitment and Retention"
Insert: "386,439 772,878" [General Fund FY22 FY23]
Insert: "1,163,968 2,306,316" [Federal Special Fund FY22 FY23]
19. Page B-3, line 7: .
Strike: "8,190,180 10,380,259" [General Fund FY22 FY23]
Insert: "8,164,143 10,354,222" [General Fund FY22 FY23]
Strike: "37,483 39,865" [State Special Fund FY22 FY23]
Insert: "34,472 36,854" [State Special Fund FY22 FY23]
20. Page B-3, line 8: .
Strike: "23,296,688 29,093,867" [Federal Special Fund FY22 FY23]
Insert: "23,243,237 29,040,416" [Federal Special Fund FY22 FY23]
21. Page B-3, line 22: .
Strike: "2,157,514 4,315,028" [General Fund FY22 FY23]
Insert: "305,879 611,758" [General Fund FY22 FY23]
Strike: "3,989,250 7,978,498" [Federal Special Fund FY22 FY23]
Insert: "554,539 1,109,076" [Federal Special Fund FY22 FY23]
22. Page B-4, line 12: .
Strike: "935,563 1,871,126" [General Fund FY22 FY23]
Insert: "467,782 935,563" [General Fund FY22 FY23]
Strike: "1,729,859 3,459,718" [Federal Special Fund FY22 FY23]
Insert: "864,930 1,729,859" [Federal Special Fund FY22 FY23]
23. Page B-5: .
Strike: lines 13 through 14 in their entirety
24. Page B-5: .
Following: line 24
Insert: "The Legislature intends that the Department of Public Health and Human Services eliminate the policy of 12-month continuous eligibility for the Medicaid expansion population."
25. Page B-5: .
Following: line 24
Insert: "The line item for report on Medicaid paid abortions is to be used by the Department of Public Health and Human Services to review and report the history, utilization data, policies, rules, and definitions for Medicaid paid abortions
3 HB000232-O.AKW
to the Interim Budget Committee for the Department of Public

Health and Human Services and the Children, Families, Health, and Human Services Interim Committee at a meeting in September of 2021 with follow up work as the committees request."
26. Page C-3, line 17:
Strike: "12,865,334 12,888,848" [State Special Fund FY22 FY23]
Insert: "11,365,334 11,388,848" [State Special Fund FY22 FY23]
27. Page D-1, line 5: .
Strike: "18,093,075 18,348,767" [General Fund FY22 FY23]
Insert: "18,481,759 18,713,942" [General Fund FY22 FY23]
28. Page D-2, line 15: .
Strike: "500,000 500,000" [General Fund FY22 FY23]
Insert: "1,000,000 1,000,000" [State Special Fund FY22 FY23]
29. Page D-2, line 17: .
Strike: "566,339 566,796" [State Special Fund FY22 FY23]
Insert: "989,532 991,138" [State Special Fund FY22 FY23]
Following: "line 17"
Insert: "a. Legislative Audit (Restricted/Biennial)"
Insert: "695" [State Special Fund FY22]
30. Page D-2, line 19: .
Strike: "7,980,701 8,127,106" [General Fund FY22 FY23]
Insert: "8,257,140 8,551,862" [General Fund FY22 FY23]
31. Page D-2, line 25: .
Strike: "5,278,367 5,364,861" [General Fund FY22 FY23]
Insert: "6,542,928 5,918,105" [General Fund FY22 FY23]
32. Page D-3: .
Following: line 26
Insert: "The motor vehicle information technology system account includes a reduction in state special revenue due to the elimination of a deposit of a $4 fee pursuant to 61-3-103(8) made July 1, 2019. If HB 693 is passed and approved with a section that amends the termination date of the $4 fee, the motor vehicle information technology system account is considered eligible to be amended under 17-07-402(1)(a)(xii) in the 2023 biennium budget."
33. Page D-4: .
Strike: line 18 through line 19 in their entirety
34. Page D-6, line 25: .
Strike: "72,842,854 73,408,078" [General Fund FY22 FY23]
Insert: "72,334,356 72,889,410" [General Fund FY22 FY23]
4 HB000232-O.AKW
Strike: "1,123,962 1,123,976" [State Special Fund FY22 FY23]
Insert: "1,123,296 1,123,296" [State Special Fund FY22 FY23]
Following: line 27
Insert: "b. Nonprofit Provider Per Diem (Restricted)"

Insert: "508,498 518,668" [General Fund FY22 FY23]
Insert: "666 680" [State Special Fund FY22 FY23]
35. Page D-7, line 2: .
Strike: "86,492,071 87,895,483" [General Fund FY22 FY23]
Insert: "86,492,621 87,896,990" [General Fund FY22 FY23]
36. Page D-7, line 5: .
Strike: "237,170 651,098" [General Fund FY22 FY23]
Insert: "304,229 781,639" [General Fund FY22 FY23]
37. Page D-7, line 7: .
Strike: "134,962 262,725" [General Fund FY22 FY23]
Insert: "67,903 132,184" [General Fund FY22 FY23]
38. Page D-8, line 2: .
Following: "community."
Strike: "The department may not place offenders based on an ASAM score and shall primarily rely on the risk and needs assessment and the underlying offense when placing offenders."
Insert: "In placing offenders in treatment facilities, the department shall rely on risk and needs assessment tools and the underlying offense. Behavioral health assessment tools will be used to determine an offender's treatment dosage and needs."
39. Page D-8, line 4: .
Following: "placement."
Insert: "Pre-screening is not required for offenders who have a plea agreement for a suspended or deferred sentence, a prison commitment, or when no PSI is ordered. Contracted treatment and pre-release centers should simultaneously screen an offender's application."
40. Page D-8, line 6: .
Following: "branch."
Insert: "Pre-screening and providing placement recommendations will begin no later than July 1, 2021."
41. Page D-8, line 9: .
Strike: "for the previous 18 months."
Insert: "each month of the biennium beginning on July 1, 2021. Funds will be certified on a monthly basis by the budget
5 HB000232-O.AKW
director."
42. Page D-8, line 20: .
Following: "approved"
Insert: "as introduced"
43. Page E-1, line 5:
Strike: "11,273,957 11,427,175" [General Fund FY22 FY23]
Insert: "8,739,997 8,882,546" [General Fund FY22 FY23]

Following: line 5
Insert: "a. Audiology (Restricted)
533,460 544,129" [General Fund FY22 FY23]
Insert: "b. Montana Digital Academy (Restricted)
2,000,500 2,000,500" [General Fund FY22 FY23]
Renumber: subsequent subsections
44. Page E-1, line 13: .
Following: line 13
Insert: "e. Medicaid Services to Schools Director (RST)"
Insert: "67,500 67,500" [General Fund FY22 FY23]
Insert: "67,500 67,500" [Federal Special Fund FY22 FY23]
Following: line 13
Insert: "f. Medicaid Services to Schools Technical Support (RST)
(OTO)"
Insert: "55,000 55,000" [General Fund FY22 FY23]
Insert: "55,000 55,000" [Federal Special Fund FY22 FY23]
45. Page E-1, line 22:
Strike: "785,684,113 823,862,141" [General Fund FY22 FY23]
Insert: "784,643,285 823,021,316" [General Fund FY22 FY23]
46. Page E-3:
Strike: line 26 in its entirety
47. Page E-5, line 10:
Strike: "4,977,617 5,136,239" [General Fund FY22 FY23]
Insert: "4,978,887 5,139,719" [General Fund FY22 FY23]
48. Page E-8: .
Following: line 11
Insert: "c. Bureau of Business and Economic Research Study
(Restricted/Biennial/OTO)"
Insert: "75,000" [General Fund FY22]
49. Page E-8, line 22: .
Strike: "13,741,815" [General Fund FY22]
Insert: "14,041,815" [General Fund FY22]
6 HB000232-O.AKW
50. Page E-8: .
Following: line 24
Insert: "b. Flathead Valley Community College (OTO)"
Insert: "300,000" [General Fund FY22]
Insert: "c. Bitterroot Community College (Restricted/Biennial)"
Insert: "400,000" [General Fund FY22]
51. Page E-9, line 9: .
Strike: "250,000 750,000" [General Fund FY22 FY23]
Insert: "500,000 500,000" [General Fund FY22 FY23]
52. Page E-9, line 11: .
Strike: "250,000 750,000" [General Fund FY22 FY23]

Insert: "375,000 375,000" [General Fund FY22 FY23]
53. Page E-9, line 13: .
Strike: "500,000 1,500,000" [General Fund FY22 FY23]
Insert: "750,000 750,000" [General Fund FY22 FY23]
54. Page E-9, line 15: .
Strike: "375,000 1,125,000" [General Fund FY22 FY23]
Insert: "750,000 750,000" [General Fund FY22 FY23]
55. Page E-9: .
Strike: line 16 through line 17 in their entirety

For the Senate:	For the House:
Osmundson, Chair	Jones, Vice Chair
Ellis	Bartel
C. Smith	Caferro

FREE CONFERENCE COMMITTEE
on **House Bill 5**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 5** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 5** (reference copy -- salmon) be amended as follows:

1. Title, line 12.
Following: "DEFINITIONS;"
Insert: "PROVIDING FOR A TRANSFER OF FUNDS;"

2. Page 5.
Following: line 20
Insert: "COVID-19 Remote and Office Workspace Study and Planning Fund
1,400,000 1,400,000
Legislative Staff Workspace Renovation and Reorganization
500,000 500,000
Removal and Replacement of Legislative Chambers Carpeting
1,000,000 1,000,000"

3. Page 8.
Following: line 8
Insert: "MAES Greenhouse Laboratories
2,000,000 2,000,000
Capitol Complex Building Renovations for Remote and Office Workspace Improvements

	10,000,000	10,000,000
Mazurek Building Renovations		
	3,000,000	3,000,000"

4. Page 10, line 17 through line 20.
Strike: "(A)" on line 17 through "210." on line 20

5. Page 10, line 21.
Strike: "(B)"
Insert: "(a)"
Renumber: subsequent subsections

6. Page 10, line 28.
Strike: "(3)(E)"
Insert: "(3)(d)"

7. Page 11, line 17.
Strike: "(3)(C)"
Insert: "(3)(b)"

8. Page 11, line 18.
Strike: "(3)(C)"
Insert: "(3)(b)"

9. Page 11.
Following: line 18
Insert: "(4)(a) As part of the COVID-19 remote and office workspace study and planning, the department of justice, the Montana state library, and the judicial branch shall participate in a working group for the Mazurek building led by the department of administration.
(b) The working group shall:
(i) determine the minimum space needs of the current occupants of the Mazurek building, including whether the footprint of the state law library can be reduced and opportunities exist to move department of justice staff to the building from private leased space. Tenants should determine whether remote work is a viable option for employees, and the working group should look for opportunities to reduce agency space.
(ii) determine the space configuration that is most efficient and effective for each tenant and its mission. To minimize disruption to the agencies and minimize costs, the configurations should minimize moves from current space and remodeling costs.
(iii) consider how to use the unoccupied space in the building for the needs of the agencies to meet their minimum space needs. If the agencies do not use all of the unoccupied space, then the remaining space should be maintained in a sufficient block to allow for an additional agency tenant.
(c) Prior to the commencement of any renovations on the Mazurek building, the budget director must approve the renovation plan."

10. Page 13, line 17.
Insert: "600,000" [state special revenue]
Strike: "600,000" [federal special revenue]

11. Page 14.
Following: line 23
Insert: "(6) The following money is appropriated to the department of environmental quality in the indicated amount for the purpose of leaking petroleum tank remediation to address risks to human health or the environment at petroleum sites where there is no readily apparent potentially liable person or entity that is financially viable:
Agency/Project [stack these 6 lines as column heads per AIC]
LRBP MR Fund
State Special Revenue
Federal Special Revenue
Authority Only Sources
Total
Remediation of Leaking Petroleum Tanks
2,000,000 [state special revenue] 2,000,000 [total]"
[note: bracketed labels not to be included in actual inserted text]

12. Page 18.
Following: line 17
Insert: "NEW SECTION. **Section 12. Transfer of funds.** By July 1, 2021, the state treasurer shall transfer $2,000,000 from the general fund to a state special account for the purpose of leaking petroleum tank remediation."
Renumber: subsequent sections

For the Senate:	For the House:
Cuffe, Chair	Jones, Vice Chair
Boldman	Hamilton
Osmundson	Hopkins

FREE CONFERENCE COMMITTEE
on **House Bill 632**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 632** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 632** (reference copy -- salmon) be amended as follows:

The amendments are available at HB0632.004.006.docx, and will be incorporated into the Journal

For the Senate:	For the House:
Osmundson, Chair	Garner, Vice Chair
Cuffe	Bartel
Lynch	Keane

Journal Note: The document referenced in the Free Conference Committee report contains the amendments in context and will be attached to this Journal following the signature page.

FREE CONFERENCE COMMITTEE
on **House Bill 663**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 663** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 663** (reference copy -- salmon) be amended as follows:

1. Title, line 10.
Following: "TAXES;"
Insert: "PROVIDING AN APPROPRIATION;"

2. Page 3.
Following: line 16
Insert: "NEW SECTION. **Section 2. Appropriation**. (1) The following money is appropriated from the state general fund to the office of public instruction for the purposes of increased guaranteed tax base aid pursuant to [section 1]:

Fiscal year 2022	$10,245,460
Fiscal year 2023	$10,439,655

(2) The legislature intends that the appropriation in fiscal year 2023 be considered as part of the ongoing base for the BASE aid appropriation for the next legislative session."
Renumber: subsequent sections

3. Page 4, line 24.
Strike: "252%"
Insert: "254%"

4. Page 5, line 28.
Strike: "2"
Insert: "4"

5. Page 6.
Following: line 6
Insert: "COORDINATION SECTION. **Section 4. Coordination instruction**. If both House Bill No. 303 and [this act] are passed and approved, then [section 2 of this act] is void and must be replaced with:

"NEW SECTION. **Appropriation**. (1) The following money is appropriated from the state general fund to the office of public instruction for the purposes of increased guaranteed tax base aid pursuant to [section 3]:

Fiscal year 2022	$10,245,460
Fiscal year 2023	$12,889,751

(2) The legislature intends that the appropriation in fiscal year 2023 be considered as part of the ongoing base for the BASE aid appropriation for the next legislative session.""
Renumber: subsequent section

For the Senate:	For the House:
Salomon, Chair	Ler, Vice Chair
Bogner	Jones
McClafferty	Novak

SPECIAL ORDERS OF THE DAY

Senator Howard and Senator McNally, both term limited, addressed the Senate with remembrances and final remarks.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate recess until the hour of 4:30 p.m. Senate recessed at 2:50 p.m.

Senate reconvened at 4:52 p.m., President Blasdel presiding.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 689**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 689** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 689** (reference copy -- salmon) be amended as follows:

1. Page 4, line 5.
Following: "communication"
Insert: "not for distribution to the general public"

2. Page 5, line 11.
Following: "communication"
Insert: "not for distribution to the general public"

3. Page 6, line 7.
Following: "communication"
Insert: "not for distribution to the general public"

4. Page 6, line 26.
Following: "communication"
Insert: "not for distribution to the general public"

5. Page 9.
Following: line 11
Insert: "(43) "Religious organization" means a house of worship with the major purpose of supporting religious activities, including but not limited to a church, mosque, shrine, synagogue, or temple. The organic documents of the organization must list a formal code of doctrine and discipline, and the organization must spend the majority of its money on religious activities such as regular religious services, educational preparation for its ministers, development and support of its ministers, membership development, outreach, and support, and the production and distribution of religious literature developed by the organization."
Renumber: subsequent subsections

For the Senate:

Kary, Chair
Bennett
Howard

For the House:

Dooling, Vice Chair
Hayman
McKamey

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Glimm in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 435 - Senator Fitzpatrick moved **HB 435** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 47 - **Governor's Amendments** - Senator Lynch moved Governor's amendments to **SB 47** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 98 - **Governor's Amendments** - Senator Gillespie moved Governor's amendments to **SB 98** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 231 - **Free Conference Committee Report No. 1** - President Blasdel moved the Free Conference Committee report to **SB 231** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 36

Nays: Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 693 - **Free Conference Committee Report No. 1** - Senator Howard moved the Free Conference Committee report to **HB 693** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Lang, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Gross, Hoven, Keenan, Manzella.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 663 - **Free Conference Committee Report No. 1** - Senator Osmundson moved the Free Conference Committee report to **HB 663** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 632 - **Free Conference Committee Report No. 1** - Senator Osmundson moved the Free Conference Committee report to **HB 632** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 45

Nays: Esp, Flowers, Manzella, McGillvray, Smith C.
Total 5

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 637 - **Free Conference Committee Report No. 1** - Senator Brown moved the Free Conference Committee report to **HB 637** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Small, Smith C, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Tempel, Webber.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - **Free Conference Committee Report No. 1** - Senator Osmundson moved the Free Conference Committee report to **HB 2** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 43

Nays: Bennett, Boland, Gross, McClafferty, Morigeau, Pomnichowski, Webber.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 5 - **Free Conference Committee Report No. 1** - Senator Cuffe moved the Free Conference Committee report to **HB 5** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: Ellsworth.
Total 1

HJ 27 - Senator Welborn moved **HJ 27** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 37 - Senator Cuffe moved **HJ 37** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 43

Nays: Boland, Gross, Lynch, McClafferty, Morigeau, Pomnichowski, Webber.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 191 - **Free Conference Committee Report No. 1** - Senator Osmundson moved the Free Conference Committee report to **SB 191** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Gross, McClafferty, Pomnichowski.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 388 - **Free Conference Committee Report No. 1** - Senator Hertz moved the Free Conference Committee report to **SB 388** be adopted. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.
Total 28

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Glimm moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 34

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Smith moved that second reading bills heard this date be placed on third reading this date. Without objection, so ordered.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 402**
Report No. 001, April 28, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 402** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 402** (reference copy -- salmon) be amended as follows:

1. Page 1, line 15.
Following: "PROCEEDING"
Insert: "involving the constitutionality of a provision of a bill if"

2. Page 1, line 16.
Following: "(A)"
Strike: "WHEN"

3. Page 1, line 18.
Strike: "OR A SIMILAR POLICY MATTER THAT LATER COMES BEFORE THE COURT"
Insert: "legislation if it is at issue in a case"

4. Page 1, line 19.
Following: "(B)"
Strike: "WHEN"

5. Page 1, line 19.
Strike: "THE LEGISLATIVE"
Insert: "a"

6. Page 1, line 19 through line 21.
Strike: "OF" on line 19 through "COMMITTEE" on line 21
Insert: "or group designed to evaluate legislation when the committee or group expressed support or opposition on a bill during the judicial officer's service on the committee or other group"

7. Page 1, line 21 through line 22.
Strike: "OR" on line 21 through "PRESIDES" on line 22
Insert: "legislation is pending before the judicial officer"

8. Page 1, line 23.
Following: "(C)"
Strike: "WHEN"

9. Page 1, line 24 through line 25.
Strike: "SAME" on line 24 through "PRESIDES" on line 25
Insert: "legislation is pending before the judicial officer"

For the Senate:	For the House:
C. Smith, Chair	Ler, Vice Chair
Esp	Berglee
Sands	Bishop

MESSAGES FROM THE OTHER HOUSE

Senate joint resolution concurred in and returned to the Senate: 4/28/2021

SJ 33, introduced by C. Pope

Senate amendments to House bills concurred in: 4/28/2021

HB 303, introduced by J. Kassmier
HB 340, introduced by W. Galt
HB 661, introduced by J. Kassmier

Conference Committee Report No.1 adopted: 4/28/2021

HB 188, introduced by D. Loge

Free Conference Committee Report No.1 adopted: 4/28/2021

SB 231, introduced by M. Blasdel
SB 278, introduced by G. Hertz
SB 319, introduced by G. Hertz
SJ 1, introduced by C. Smith
HB 555, introduced by M. Regier
HB 637, introduced by S. Berglee
HB 648, introduced by J. Kassmier
HB 678, introduced by D. Bartel
HB 693, introduced by B. Mercer

Governor's amendments to **House bills** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/28/2021

HB 92, introduced by K. Kelker
HB 459, introduced by D. Lenz
HB 702, introduced by J. Carlson

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 188 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 656 concurred in as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 27

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 29 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 35 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray,

McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 39 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Vance, Webber.
Total 35

Nays: Ellsworth, Esp, Glimm, Hertz, Hinebauch, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Tempel, Welborn, Mr. President.
Total 15

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 44 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 45 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 47 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HJ 48 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 49 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 278, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 319 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 1 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 435 failed (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 47, **as amended by the Governor**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 98, **as amended by the Governor**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 231 passed as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 38

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, Morigeau, Pomnichowski, Pope, Webber.
Total 12

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 693 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 47

Nays: Gross, Hoven, Keenan.
Total 3

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 663 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 632 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 43

Nays: Esp, Flowers, Glimm, Hinebauch, Manzella, McGillvray, Smith C.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 637 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Smith C, Vance, Welborn, Mr. President.
Total 27

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Tempel, Webber.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 concurred in as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 41

Nays: Bennett, Boland, Gross, McClafferty, McGillvray, Morigeau, Pomnichowski, Sweeney, Webber.
Total 9

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 5 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 49

Nays: Keenan.
Total 1

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 27 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 37 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 42

Nays: Bennett, Boland, Boldman, Gross, McClafferty, Morigeau, Pomnichowski, Webber.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 191 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Gross, McClafferty, Pomnichowski, Sands.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 388 passed as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Sales, Salomon, Small, Smith C, Sweeney, Vance, Welborn, Mr. President.
Total 28

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sands, Tempel, Webber.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Morigeau moved the Senate adjourn sine die. Motion **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pope, Sands, Sweeney, Webber.
Total 18

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Pomnichowski, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the Senate adjourn until 10:00 a.m., Thursday, April 29, 2021, the eightieth legislative day. Motion carried.

Senate adjourned at 4:37 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate

SENATE JOURNAL
67TH LEGISLATURE
EIGHTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 29, 2021 — State Capitol

Senate convened at 10:00 a.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/29/2021

Correctly printed: **SR 46**, **SR 92**, **HJ 27**, **HJ 37**.
Correctly enrolled: **SB 44**, **SB 76**, **SB 108**, **SB 142**, **SB 149**, **SB 155**, **SB 214**, **SB 232**, **SB 243**, **SB 263**, **SB 284**, **SB 285**, **SB 288**, **SJ 16**, **SR 76**, **SR 82**, **SR 85**, **SR 86**, **SR 93**, **SR 99**.
Examined by the sponsor and found to be correct: **SB 44**, **SB 76**, **SB 108**, **SB 142**, **SB 149**, **SB 155**, **SB 214**, **SB 232**, **SB 243**, **SB 263**, **SB 284**, **SB 285**, **SB 288**, **SJ 16**, **SR 76**, **SR 82**, **SR 85**, **SR 86**, **SR 93**, **SR 99**.
Transmitted to the House: **HB 435**, **HB 640**, **HB 656**, **HJ 27**, **HJ 29**, **HJ 35**, **HJ 37**, **HJ 39**, **HJ 44**, **HJ 45**, **HJ 47**, **HJ 48**, **HJ 49**.
Signed by the Secretary of the Senate at 4:40 p.m., April 28, 2021: **SB 363**, **SR 96**.
Signed by the President at 7:00 a.m., April 29, 2021: **SB 363**, **SR 96**.
Signed by the Secretary of the Senate at 12:50 p.m., April 29, 2021: **SB 214**.
Signed by the President at 1:45 p.m., April 29, 2021: **SB 214**.

REPORTS OF STANDING COMMITTEES

ADVERSE COMMITTEE REPORT

JUDICIARY (Regier, Chair): 4/29/2021

SR 46, be **not** adopted. Adverse Committee Report **not** adopted as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Smith C, Tempel, Vance, Mr. President.
Total 25

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Small, Sweeney, Webber, Welborn.
Total 25

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

April 29, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, MT 59601

Dear President Blasdel:

On Wednesday, April 28th, I signed the following bills:

Senate Bill 157 - Hinebauch
Senate Bill 163 - Glimm
Senate Bill 166 - Gauthier
Senate Bill 201 - Fitzpatrick
Senate Bill 223 - Gauthier
Senate Bill 238 - Gauthier
Senate Bill 283 - Glimm
Senate Bill 286 - Hinebauch
Senate Bill 307 - Lang
Senate Bill 338 - Lang

The bills have been delivered to the Secretary of State.

Sincerely,

GREG GIANFORTE
Governor

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 92 - Senator Fitzpatrick moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 92**. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Mr. President.
Total 28

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber, Welborn.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 689 - **Conference Committee Report No. 1** - Senator Fitzpatrick moved the Conference Committee report to **HB 689** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 46

Nays: Gross, Jacobson, McClafferty, McNally.
Total 4

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 342 - Senator O'Brien moved **SB 342** do pass. Motion **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No, made by Senator Smith under Motions.

HB 92 - **Governor's Amendments** - Senator Regier moved Governor's amendments to **HB 92** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 342 - Majority Leader Smith moved **SB 342** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 459 - **Governor's Amendments** - Senator Glimm moved Governor's amendments to **HB 459** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 702 - **Governor's Amendments** - Senator McGillvray moved Governor's amendments to **HB 702** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance,

Mr. President.
Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.
Total 19

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 402 - **Free Conference Committee Report No. 1** - Majority Leader Smith moved the Free Conference Committee report to **SB 402** be adopted. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Welborn, Mr. President.
Total 28

Nays: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel, Webber.
Total 22

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate recessed at 11:13 a.m. and reconvened at 12:07 p.m. Senate remained in the Committee of the Whole, Senator Keenan presiding.

HB 257 - **Governor's Amendments** - President Blasdel moved Governor's amendments to **HB 257** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch,

Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 36

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Webber.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Osmondson moved the Senate reconsider the previous day's action on **HB 2** and that **HB 2** be placed on second reading this date. Without objection, so ordered.

Senator Bennett moved that **SR 46** be taken from the Judiciary Committee and placed on second reading this date. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn.
Total 27

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Tempel, Vance, Mr. President.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the Senate reconsider its action on **HB 435** and that **HB 435** be placed on third reading this date. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 34

Nays: Boland, Cohenour, Flowers, Fox, Friedel, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Sands, Sweeney, Tempel, Webber.
Total 16

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate recessed at 12:16 p.m. and reconvened at 12:53 p.m., President Blasdel presiding

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 435 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Morigeau, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 42

Nays: Boland, Cohenour, Flowers, Gross, McClafferty, McNally, Pomnichowski, Webber.
Total 8

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change from Absent to Yes, made by Senator Molnar under Motions.

HB 92 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, O'Brien, Osmundson, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 36

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Gross, Lynch, McClafferty, McNally, Morigeau, Pomnichowski, Pope, Sweeney, Webber.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

Vote totals include two changes of vote from No to Yes, made by Senator Flowers and Senator O'Brien under Motions.

HB 257 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 33

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 17

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No, made by Senator Pope under Motions.

HB 459 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 50

Nays: None.
Total 0

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 702 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 18

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes, made by Senator Jacobson under Motions.

SB 402 passed as follows:

Yeas: Ankney, Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 689 concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Howard, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.
Total 21

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Senator Osmundson moved **HB 2** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 43

Nays: Bennett, Boland, Gross, McClafferty, Morigeau, Pomnichowski, Webber.
Total 7

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 46 - Senator Bennett moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 46**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Webber, Welborn.
Total 27

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Tempel, Vance, Mr. President.
Total 23

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Boldman, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Gillespie, Gross, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 37

Nays: Bogner, Boland, Brown, Esp, Friedel, Gauthier, Glimm, Hinebauch, Howard, Keenan, McClafferty, McGillvray, Regier K.
Total 13

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved that **HB 2** be moved to third reading this date. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2 concurred in as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McNally, Molnar, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.
Total 40

Nays: Bennett, Boland, Friedel, Gross, McClafferty, McGillvray, Morigeau, O'Brien, Pomnichowski, Webber.
Total 10

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Molnar moved to change his third reading vote from Absent to Yes on **HB 435**. Without objection, so ordered

Senator Jacobson moved to change his third reading vote from No to Yes on **HB 702**. Without objection so ordered.

Senator Flowers moved to change his third reading vote on **HB 92** from No to Yes. Without objection, so ordered.

Senator Pope moved to change his third reading vote on **HB 257** from Yes to No. Without objection, so ordered.

Senator O'Brien moved to change her third reading vote on **HB 92** from No to Yes. Without objection, so ordered.

Senator Morigeau moved the Senate adjourn sine die. Motion **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.
Total 20

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.
Total 30

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved to change his vote on **SB 342** from Yes to No. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Vance presented President Blasdel with an antique chair originally from the House of Representatives, spoke of their long friendship, and thanked him for his exemplary service.

President Pro Tempore Ellsworth presented a tribute to Senator Vance.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate recess until 2:30 p.m. Senate recessed at 1:21 p.m.

Senate reconvened at 4:21 p.m, President Blasdel presiding.

SPECIAL ORDERS OF THE DAY

Senator Bogner read into the record the 2019, 2020, and 2021 Honor and Remember Act Medallion Recipients as reported by the Montana Veteran Affairs Division.

The Medallion Recipients are:

2nd Lt. John McInerney, KIA, Asiatic, DOD 1944-10-12
CWO Robert Rosar, KIA, US Army, Vietnam, DOD 1968-05-17
Platoon Sergeant John Sloan, MIA, US Marine Corp, Japan, DOD 1943 -02-19
2nd Lt. John Mulder, MIA, US Army, Germany, DOD 1945-11-25
Sgt. James McHale, KIA, US Army, Iraq, DOD 2008-07-30
PFC Nicholas Cook, KIA, US Army, Afghanistan, DOD 2010-03-07

Senator Kary thanked the Pages for their service this week.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 640**
Report No. 001, April 29, 2021

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 640** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 640** (reference copy -- salmon) be amended as follows:

1. Page 5.
Following: line 4
Insert: "COORDINATION SECTION. **Section 3. Coordination instruction.** If House Bill No. 701 is passed and approved, then the section amending 16-12-111 in House Bill No. 701 is void and 16-12-111 must be amended as follows:
"**16-12-111. (Effective October 1, 2021) Marijuana ~~compensation~~ state special revenue account -- operating reserve -- transfer of excess funds.** (1) There is a dedicated marijuana compensation state special revenue account within the state special revenue fund established in 17-2-102, to be administered by the department.
(2) The account consists of:
(a) money deposited into the account pursuant to this chapter;
(b) the taxes collected pursuant to Title 15, chapter 64, part 1;
(c) license and registered cardholder fees deposited into the account pursuant to this chapter; and
(d) civil penalties collected under this chapter.
(3) Except as provided in subsection (4), money in the account must be used by the department

for the purpose of administering the provisions of this chapter.
(4) At the end of each fiscal year, the department shall transfer funds in excess of a 3-month operating reserve necessary to fund operating costs at the beginning of the next fiscal year in the following order:
(a) 60% of the revenue calculated pursuant to subsection (5) to the marijuana revenue trust fund provided for in [the new section created by section 4];
(b) 40% of the revenue calculated pursuant to subsection (5) to the marijuana local government distribution account provided for in [the new section created by section 5];
(c) an amount not to exceed $6 million must be transferred to the marijuana healing and ending addiction through recovery and treatment (HEART) fund account established in [section 100]; and
(d) the net balance remaining after the distributions made under subsections (4)(a) through (4)(c) must be distributed as follows:
(i) 20% to the credit of the department of fish, wildlife, and parks to be used solely as funding for wildlife habitat in the same manner as funding generated under 87-1-242(3) and used pursuant to 87-1-209;
(ii) 4% to the state park account established in 23-1-105(1);
(iii) 4% to the trails and recreational facilities account established in 23-2-108;
(iv) 4% to the nongame wildlife account established in 87-5-121;
(v) 3% or $200,000, whichever is less, to the veterans and surviving spouses state special revenue account provided for in [section 93];
(vi) for the biennium beginning July 1, 2021, $300,000 to the department of justice to administer grant funding to local and state law enforcement agencies for the purpose of purchasing and training drug-detection canines and canine handlers, including canines owned by local law enforcement agencies to replace canines who were trained to detect marijuana;
(vii) $150,000 to the board of crime control to fund crisis intervention team training as provided in 44-7-110; and
(viii) the remainder to the general fund.
(5) (a) At the end of fiscal years 2023, 2024, and 2025, the department of revenue shall determine the revenue to be distributed pursuant to subsections (4)(a) and (4)(b) by:
(i) first subtracting the sales subject to the tax provided for in 15-64-102(1) in the previous 4 quarters from the sales subject to the tax provided for in 15-64-102(1) in fiscal year 2021;
(ii) then dividing by the sales subject to the tax provided for in 15-64-102(2) in the 4 most recently completed quarters; and
(iii) multiplying that percentage by 80% of the tax revenue collected under 15-64-102(2) in the 4 most recently completed quarters.
(b) For fiscal years 2026 and thereafter, the revenue to be distributed pursuant to subsections (4)(a) and (4)(b) is the amount determined for fiscal year 2025.
~~(2) Marijuana sales taxes collected under the provisions of part 4 of this chapter must, in accordance with the provisions of 17-2-124, be deposited into the account along with any interest and income earned on the account.~~
~~(3) Funds deposited into the account must be transferred in the following amounts to provide funding as set out below:~~
~~(a) 4.125% of the funds to be deposited into the nongame wildlife account established in 87-5-~~

~~121;~~

~~(b) 4.125% of the funds to be deposited into the state park account established in 23-1-105(1);~~

~~(c) 4.125% of the funds to be deposited into the trails and recreational facilities account established in 23-2-108;~~

~~(d) 37.125% of the funds to be deposited to the credit of the department of fish, wildlife, and parks to be used solely as funding for wildlife habitat in the same manner as funding generated under 87-1-242(3) and used pursuant to 87-1-209;~~

~~(e) 10.5% to the state general fund; and~~

~~(f) the remainder in the subaccounts provided for in this subsection (3)(f). There are subaccounts in the marijuana compensation special revenue account established by subsection (1). Funding deposited into this account under subsection (2) is further deposited into subaccounts to be used only as follows:~~

~~(i) 10% of the funds to be deposited into a subaccount to be administered by the department of public health and human services to provide grants to existing agencies and not-for-profit organizations, whether government or community-based, to increase access to evidence-based low-barrier drug addiction treatment, prioritizing medically proven treatment and overdose prevention and reversal methods and public or private treatment options with an emphasis on reintegrating recipients into their local communities, to support overdose prevention education, and to support job placement, housing, and counseling for those with substance use disorders;~~

~~(ii) 10% of the funds to be deposited into a subaccount to be administered by the department of commerce for distribution to the local government representing the locality where the retail sales occurred;~~

~~(iii) 10% of the funds to be deposited into a subaccount to be administered by the veterans' affairs division of the department of military affairs to provide services and assistance for all Montana veterans and surviving spouses and dependents; and~~

~~(iv) 10% of the funds to be deposited into a subaccount to be administered by the Montana department of public health and human services to administer medicaid rate increases that provide for a wage increase to health care workers who provide direct medicaid-funded home and community health services for elderly and disabled persons.~~

~~(4) (a) Funds transferred from the accounts and subaccounts provided in subsection (3) may be used only to increase revenue for the purposes specified and may not be used to supplant other sources of revenue used for these purposes.~~

~~(b) Funds deposited into the account provided in subsection (1) may be used only to increase revenue to each special revenue account or subaccount set forth in subsection (3) and may not be used to supplant other sources of revenue for these purposes.~~""

Insert: "COORDINATION SECTION. **Section 4. Coordination instruction.** If House Bill No. 701 is passed and approved, then House Bill No. 701 must be amended to include the following section:

"NEW SECTION. **Marijuana revenue trust fund -- interest retention.** (1) There is a marijuana revenue trust fund within the permanent fund type. The trust fund is subject to legislative transfer and appropriation as provided in this section.

(2) Revenue is deposited in the trust fund pursuant to 16-12-111(4)(a).

(3) The money must be used for purposes addressing the economic and social costs of marijuana cultivation, processing, and use as determined by the legislature.

(4) Interest and income earned on money in the trust fund must be retained within the trust fund except as provided in this section. If assets in the trust fund reach the following amounts, money may be appropriated by the legislature and used in the following amounts for the purposes specified in subsection (3):

(a) When the fund balance reaches $20 million, 50% of the interest earned may be appropriated.

(b) When the fund balance reaches $50 million, 60% of the interest earned may be appropriated.

(c) When the fund balance reaches $100 million, 80% of the interest earned may be appropriated.

(d) When the fund balance reaches $150 million, 90% of the interest earned may be appropriated.

(5) Appropriation of the principal balance of the fund may be authorized by a two-thirds vote of the members of each house of the legislature.

(6) Appropriations of the interest and principal balance must be for one-time-only expenditures."

Insert: "COORDINATION SECTION. **Section 5. Coordination instruction**. If House Bill No. 701 is passed and approved, then House Bill No. 701 must be amended to include the following section:

"NEW SECTION. **Marijuana local government distribution account.** (1) There is a marijuana local government distribution account within the state special revenue fund established in 17-2-102, to be administered by the department.

(2) (a) The revenue distributed to the account pursuant to 16-12-111(4)(b) must be deposited in the account. Subject to subsection (2)(b), the department shall allocate the funds to cities, towns, counties, and consolidated city-county governments in the same proportion and using the same ratios as provided for in 15-70-101(2)(b), (2)(c), and (3).

(b) Cities, towns, counties, and consolidated city-county governments without adult-use dispensaries within their corporate boundaries may not receive distributions under this subsection (2).

(3) Funds not distributed pursuant to this section because of the application of subsection (2)(b) must be transferred to the account provide for in [the new section created by section 4]."

Insert: "COORDINATION SECTION. **Section 6. Coordination instruction**. If House Bill No. 701 is passed and approved, then [section 108] of House Bill No. 701 is void and must be replaced with the following:

"NEW SECTION. **Appropriations.** (1) There is appropriated from the marijuana state special revenue account provided for in 16-12-111 to the department of revenue:

(a) $6,930,492 for fiscal year 2022, which comprises 34 total FTE, of which 22 of the 34 FTE represent positions transferred from the department of public health and human services to the department of revenue.

(b) $4,136,011 for fiscal year 2022, which comprises 34 total FTE, of which 22 of the 34 FTE represent positions transferred from the department of public health and human services to the department of revenue.

(c) The appropriations described in subsections (1)(a) and (1)(b) must be used by the department of revenue for the operating costs it incurs when administering the provisions of

[this act].

(d) The appropriation provided for in this subsection (1) must be considered a part of the base budget for the 2025 biennium.

(2) (a) (i) The following amounts are appropriated for each year of the 2023 biennium to the department of public health and human services for eligible services and programs in accordance with the HEART fund that is set forth in [section 100]:

(A) $6 million in state special revenue funds; and

(B) $19 million in federal special revenue funds.

(ii) It is the intent of the legislature that these appropriation amounts be included as part of the base budget for the department of public health and human services for the biennium beginning July 1, 2023.

(b) For the 2023 biennium, $300,000 is appropriated to the department of justice for the purposes described in 16-12-111.

(c) (i) For each year of the 2023 biennium, $150,000 is appropriated to the board of crime control for the purposes described in 44-7-110.

(ii) It is the intent of the legislature that this appropriation amount be included as part of the base budget for the board of crime control for the biennium beginning July 1, 2023.

(3) (a) The following amounts are appropriated for fiscal year 2022:

(i) the amount distributed pursuant to 16-12-111(4)(d)(ii) but not to exceed $650,000 to the department of fish, wildlife, and parks from the state park account established in 23-1-105(1);

(ii) the amount distributed pursuant to 16-12-111(4)(d)(iii) but not to exceed $650,000 to the department of fish, wildlife, and parks from the trails and recreational facilities account established in 23-2-108;

(iii) the amount distributed pursuant to 16-12-111(4)(d)(iv) but not to exceed $650,000 to the department of fish, wildlife, and parks from the nongame wildlife account established in 87-5-121; and

(iv) $200,000 to the veterans' affairs division of the department of military affairs from the account provided for in [section 93].

(b) The following amounts are appropriated for the fiscal year 2023:

(i) the amount distributed pursuant to 16-12-111(4)(b) but not to exceed $3,708,000 to the department of revenue from the marijuana local distribution account provided for in [new section created by section 5];

(ii) $5,412,000 from the marijuana state special revenue account provided for in 16-12-111 to the department of fish, wildlife, and parks to be used solely as funding for permanent easements and maintenance;

(iii) $1,082,000 to the department of fish, wildlife, and parks from the state park account established in 23-1-105(1);

(iv) $1,082,000 to the department of fish, wildlife, and parks from the trails and recreational facilities account established in 23-2-108;

(v) $1,082,000 to the department of fish, wildlife, and parks from the nongame wildlife account established in 87-5-121; and

(vi) $200,000 to the veterans' affairs division of the department of military affairs from the account provided for in [section 93]."

Insert: "COORDINATION SECTION. **Section 7. Coordination instruction**. If House Bill No. 701 is passed and approved, then House Bill No. 701 must be amended to include the following

section:

"NEW SECTION. **Codification instruction**. [New sections created by sections 4 and 5] are intended to be codified as an integral part of Title 16, chapter 12, part 1, and the provisions of Title 16, chapter 12, part 1, apply to [new sections created by sections 4 and 5]."

Insert: "COORDINATION SECTION. **Section 8. Coordination instruction**. If House Bill No. 701 is passed and approved:

(1) [section 94 through 98] of House Bill No. 701, creating a local-option excise tax, are void; and

(2) [section 111(6)] of House Bill No. 701 must be amended to strike the language "implement the local-option excise tax in accordance with [sections 94 through 98], or both"."

Insert: "COORDINATION SECTION. **Section 9. Coordination instruction**. If House Bill No. 701 is passed and approved, then subsections (4)(a), (4)(b), and (5) of 16-12-111 are effective January 1, 2022, and [section 13(2)(d)] of House Bill No. 701, as amended by [section 10 of this act], is effective July 1, 2023."

Insert: "COORDINATION SECTION. **Section 10. Coordination instruction.** If House Bill No. 701 is passed and approved, [section 13] of House Bill No. 701 is void and must be replaced with the following:

"NEW SECTION. **Written certification.** (1) The written certification provided by a physician must be made on a form prescribed by the department and signed and dated by the physician. The written certification must:

(a) include the physician's name, license number, and office address and telephone number on file with the board of medical examiners and the physician's business e-mail address, if any; and

(b) the name, date of birth, and debilitating medical condition of the patient for whom the physician is providing written certification.

(2) A treating physician or referral physician who is providing written certification for a patient shall provide a statement initialed by the physician that must:

(a) confirm that the physician is:

(i) the patient's treating physician and that the patient has been under the physician's ongoing medical care as part of a bona fide professional relationship with the patient; or

(ii) the patient's referral physician;

(b) confirm that the patient suffers from a debilitating medical condition;

(c) describe the debilitating medical condition, why the condition is debilitating, and the extent to which it is debilitating;

(d) if the debilitating medical condition is severe chronic pain, confirm that the physician is board-certified in pain medicine;

(e) confirm that the physician has assumed primary responsibility for providing management and routine care of the patient's debilitating medical condition after obtaining a comprehensive medical history and conducting a physical examination, whether in person or, in accordance with subsection (4), through the use of telemedicine, that included a personal review of any medical records maintained by other physicians and that may have included the patient's reaction and response to conventional medical therapies;

(f) describe the medications, procedures, and other medical options used to treat the condition;

(g) confirm that the physician has reviewed all prescription and nonprescription

medications and supplements used by the patient and has considered the potential drug interaction with marijuana;

(h) state that the physician has a reasonable degree of certainty that the patient's debilitating medical condition would be alleviated by the use of marijuana and that, as a result, the patient would be likely to benefit from the use of marijuana;

(i) confirm that the physician has explained the potential risks and benefits of the use of marijuana to the patient;

(j) list restrictions on the patient's activities due to the use of marijuana;

(k) specify the time period for which the use of marijuana would be appropriate, up to a maximum of 1 year;

(l) state that the physician will:

(i) continue to serve as the patient's treating physician or referral physician; and

(ii) monitor the patient's response to the use of marijuana and evaluate the efficacy of the treatment; and

(m) contain an attestation that the information provided in the written certification and accompanying statements is true and correct.

(3) A physician who is the second physician recommending marijuana for use by a minor shall submit:

(a) a statement initialed by the physician that the physician conducted a comprehensive review of the minor's medical records as maintained by the treating physician or referral physician;

(b) a statement that in the physician's professional opinion, the potential benefits of the use of marijuana would likely outweigh the health risks for the minor; and

(c) an attestation that the information provided in the written certification and accompanying statements is true and correct.

(4) A physician who is providing written certification through the use of telemedicine:

(a) shall comply with the administrative rules adopted for telemedicine by the board of medical examiners provided for in 2-15-1731; and

(b) may not use an audio-only visit unless the physician has first established a physician-patient relationship through an in-person encounter.

(5) If the written certification states that marijuana should be used for less than 1 year, the department shall issue a registry identification card that is valid for the period specified in the written certification.""

Renumber: subsequent section

For the Senate:	For the House:
Vance, Chair	Hopkins, Vice Chair
Boldman	Novak
Brown	M. Regier

MESSAGES FROM THE OTHER HOUSE

Free Conference Committee Report No.1 adopted: 4/29/2021

SB 191, introduced by R. Osmundson
SB 388, introduced by G. Hertz
SB 402, introduced by C. Smith
HB 2, introduced by L. Jones
HB 5, introduced by L. Jones
HB 632, introduced by F. Garner
HB 663, introduced by B. Ler

Conference Committee Report No.1 adopted: 4/29/2021

HB 689, introduced by J. Dooling

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 640 - **Free Conference Committee Report No. 1** - Senator Fitzpatrick moved the Free Conference Committee report to **HB 640** be adopted. Motion **failed** as follows:

Yeas: Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Smith C, Vance, Mr. President.
Total 22

Nays: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Sweeney, Tempel, Webber, Welborn.
Total 28

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 640 - Majority Leader Smith moved **HB 640** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Esp, Flowers, Fox, Friedel, Gross, Hoven, Jacobson, Kary, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Mr. President.
Total 36

Nays: Bogner, Ellsworth, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Keenan, Lang, Manzella, Regier K, Welborn.
Total 14

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 44

Nays: Glimm, Hertz, Howard, Lynch, McGillvray, Regier K.
Total 6

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Ankney moved the Senate adjourn sine die. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.
Total 48

Nays: Esp, Howard.
Total 2

Voted absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Minority Leader Cohenour and Majority Leader Smith, both term-limited, reflected on their legislative careers, spoke of progress made or lost during this session, and gave final remarks.

President Blasdel, also term-limited, spoke of his legislative career, thanked his family and the many people who keep the Senate organized and running, and fellow legislators who do their best to represent the people of Montana.

Senate adjourned at 5:21 p.m.

MARILYN MILLER
Secretary of the Senate

MARK BLASDEL
President of the Senate